

Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation



THE LIBRARY
OF
THE UNIVERSITY
OF CALIFORNIA
LOS ANGELES

4 vols. L. 8. 15 -

Vol. I / II 1830

Vol. III 1841

Vol. IV 1850

not uniform throughout

Vol. II a few pages

under Mining

and water courses

THE
CAPE OF GOOD HOPE
GOVERNMENT PROCLAMATIONS,
FROM 1806 TO 1825,
AS NOW IN FORCE AND UNREPEALED;
AND THE
ORDINANCES PASSED IN COUNCIL,
FROM 1825 TO 1838:
WITH
NOTES OF REFERENCE TO EACH,
AND A COPIOUS INDEX.

WITH
An Appendix.

IN TWO VOLUMES.

VOL. I.

BY
MR. WALTER HARDING,
CLERK TO THE FIRST PUISNE JUDGE OF THE COLONY.

CAPE TOWN.
A. S. ROBERTSON, 21, HEEREGRACHT.

1838.

PRINTED AT THE GAZETTE OFFICE,
1, GRAVE-STREET, CAPE TOWN.

K
24.5
C17c
1838
v.1

TO

THE HON'BLE WILLIAM MENZIES,

FIRST PUISNE JUDGE OF THE SUPREME COURT OF THE COLONY OF THE
CAPE OF GOOD HOPE, &c. &c.

MY LORD,

THE uniform and liberal encouragement afforded by your Lordship, during the many years you have filled your high and arduous office, to every measure that could tend to render efficient the Administration of Justice in this Colony,—the unremitting labor you have bestowed upon the accomplishment of this great object,—and the kind support and patronage for which I am personally so deeply indebted to your Lordship; induce me respectfully to dedicate this Compilation to you ;—trusting, that my humble endeavours in this respect, will not be altogether undeserving of your Lordship's countenance.

I have the honor to be

My Lord,

Your Lordship's

Most obedient servant,

WALTER HARDING.



Ordinances, Laws, &c.

[The Passages repealed are printed within brackets, in smaller type; and the date of their repeal given below them.]

*Proclamation, by His Excellency Major-General
Sir David Baird, &c.*

WHEREAS Lieut.-General JANSSENS has last night consented to the terms of an honorable Capitulation, which I was induced to offer to him, not only out of respect for himself individually, and the brave Troops under his orders, but also with a view to preserve the Inhabitants of this Country from the miseries and horrors of a protracted warfare in the bosom of the Colony,—I do hereby made it publicly known, and think proper to communicate the same to all the Inhabitants of this Settlement.

As there are still a few trifling Articles not perfectly arranged, I defer ordering a Copy of the Capitulation to be printed, until the whole is finally settled. The Inhabitants, however, of whatever description, are hereby required to return peaceably to their usual occupations, as the tranquillity of the Colony is perfectly insured.

Given under my Hand and Seal, this 18th day of
January 1806.

(Signed) D. Baird,
Major-General, Commanding in Chief.

By Order of His Excellency,
(Signed) J. C. Smyth, A. C. Secretary.

Articles of Capitulation proposed by Lieut.-General Janssens, Governor, and Commander in Chief of the Batavian Forces at the Cape of Good Hope, to Brigadier-General Beresford, duly authorised by Major-General Sir David Baird, K. C., and Commodore Sir Home Popham, K. M., Commanding the Military and Naval Forces of His Britannic Majesty.

ARTICLE 1. As soon as this Capitulation is signed, the whole of the Settlement of the Cape of Good Hope, with all its Dependencies, and all the rights and privileges held and exercised by the Batavian Government, will be considered as surrendered by the Governor, Lieutenant-General Janssens, to His Britannic Majesty.

2. The Batavian Troops are to march with all their Baggage, Arms, &c. to a place hereafter to be agreed upon, and retain every thing, as well what belongs to the State, as to Individuals, and be at liberty either freely to dispose of the same, or, if they prefer, take every thing away with them.

ARTICLE 1. Agreed to.

2. The Batavian Troops shall march from their present Camp, within three days, or sooner if convenient, with their Guns, Arms, and Baggage, and with all the Honors of War, to Simon's Town;—they shall retain all private Property, and the Officers their Swords and Horses.

But their Arms, Treasure, and all Public Property of every description, together with the Cavalry and Artillery Horses, must be delivered up. In consideration, however, of their gallant conduct, the

Troops will be embarked and sent straight to Holland, at the expense of the British Government, and shall not be considered as Prisoners of War, they engaging not to serve against His Britannic Majesty, or His Allies, until they have been landed in Holland.

3. The Battalion of Hottentot Light Infantry shall, with the rest of the Troops, march to the place to be agreed upon, and there being disbanded by General Janssens, shall be at liberty to return to their own Country.

4. Under this Capitulation shall be comprehended all Military Men, who being wounded, have not been able to follow the Army, and have fallen into the hands of the British.

5. The Officers and Men belonging to the Batavian Army, are to be subsisted at the expense of the British Government until they are embarked.

6. The Troops shall be transported to such Ports of the Batavian Republic as shall be selected by Lieut.-General Janssens.

3. The Hottentot Soldiers are to march to Simon's Town with the other Troops, after which they will be either allowed to return to their own Country, or be engaged in the British service, as they may think proper.

4. These Persons being already Prisoners of War, any decision respecting them belongs only to the British Commander in Chief.

5. Agreed to.

6. The Troops, as in the answer to the second Article, shall be sent to some Port in Holland.

7. The Sick, who cannot be removed with the other Soldiers, are to be attended to at the expense of His Britannic Majesty, and when recovered sent to Holland.

8. The Inhabitants of the Colony who are comprehended in this Capitulation, are to enjoy the same rights and privileges as have been granted to those in Cape Town, according to the Capitulation of the 10 instant.

9. The Troops whilst on board Ship are to be accommodated and fed according either to the Dutch or English method, as is most beneficial to them.

10. Lieut.-General Janssens shall be at liberty to send home a despatch to Holland, and will receive assistance from the British Commanders in forwarding the same.

11. The Baron of Hogen-dorp having expended a great deal of money for the execution of Agricultural Plans, he shall be supported by the British Government in carrying his Plans into execution; and the British Government shall grant unto him all such rights and privileges as, from the Public Records, it shall

Agreed to.

8. Agreed to—with the exception of not quartering Troops, the Country not having the same resources as the Town, and this right having been always an appendage to the Batavian Government.

9. The Troops when embarked, will be treated in every respect as British Troops when on-board transports.

10. Agreed to.

11. This Article must be left entirely to the discretion of the future British Governors or Commanders.

appear the Batavian Government meant to have given him.

12. If in this Capitulation any thing doubtful may occur, it shall be *bona fide* construed to the benefit of the Batavian Government.

12. If any doubt should arise as to any Article contained in this Capitulation, it shall be decided according to what shall appear to be just and honorable, without any preference to either party.

Given under our Hands and Seals, this 18th day of January 1806, at Hottentots' Holland.

(Signed) J. W. Janssens,
W. C. Beresford, Brig.-General.

Executed in the presence of

(Signed) J. A. Truter,
J. C. Smyth.

Ratified and confirmed in the Castle of Good Hope, this 19th day of January 1806

(Signed) D. Baird, Major-General.
Commanding in Chief.

Home Popham, Commodore,
Commanding His Majesty's
Naval Forces.

Articles of Capitulation proposed by the Lieut.-Colonel Hieronimus Casimirus von Prophalow, Commandant of the Town, Castle, and circumjacent Fortifications of the Cape of Good Hope,

TO

The Major-General in the Service of His Britannic Majesty, Sir David Baird, K.C., Commander-in-Chief of His Majesty's Forces, and Commodore Sir Home Popham, K.M., Commander-in-Chief of His Britannic Majesty's Naval Forces in Table Bay.

ART. 1. The Capitulation being signed, the Cape Town, Castle, and circumjacent Fortifications shall be immediately surrendered to the Troops of His Britannic Majesty, viz., the Fortification of the King's Block-House, Craig's Tower, and all the Batteries within that circuit, and on the other side of Camp's Bay.

2. The Garrison shall, at the surrender, march out with all the Honours of War, and shall then lay down their Arms, and become Prisoners of War; but such Officers as are natives of the Colony, or married with natives, or in possession of sufficient Landed Property to become regularly and *bona fide* domiciliated, shall be at liberty to continue here so long as they behave themselves as becometh good Subjects and Citizens, or proceed to Great Britain with regular Passports, and having previously passed their Parole not to serve until regularly exchanged.

3. All Officers who, according to the previous Article must go to Europe, shall be provided with passages at the expense of His Britannic Majesty, and shall have leave to realise their Property previous to their departure, and receive the same Pay as they did in their own Service, till the day of their embarkation.

4. The French Subjects who, belonging to the stranded Frigate *l'Atalante*, and the stranded Privateer *le Napoleon*, were casually here, and are comprehended

in the Capitulation, shall be treated on the same footing as the Garrison; but they must all be embarked for Europe, as well as every other French Subject in the Colony.

5. The Inhabitants of the Town, who have borne Arms, to be considered as belonging to the Town, and may immediately return to their former occupations. But the distinction between the Burghers and other Inhabitants is to remain the same, and subject to the same restrictions as under the Dutch Laws.

6. All *bona fide* private Property, whether belonging to the Civil or Military Servants of the Government, to the Burghers and Inhabitants, to Churches, Orphans, and other Public Institutions of that kind, shall remain free and untouched.

7. Public Property of every description, whether consisting of Treasure, or Naval or Military Stores, Buildings, Estates, or Merchandise, belonging to the Batavian Republic or the Government of France, shall be faithfully delivered up, and proper Inventories given of them as soon as possible.

8. The Burghers and Inhabitants shall preserve all their Rights and Privileges which they have enjoyed hitherto; Public Worship, as at present in use, shall also be maintained without alteration.

9. The Paper Money actually in circulation shall continue current as heretofore, until the pleasure of His Britannic Majesty is known.

10. The Lands and Houses, the property of the Batavian Republic, which must be delivered up in consequence of the present Capitulation, shall remain as security for that part of the Paper Money which is not already secured by Mortgages upon the Estates of Individuals, by its having been lent to them. This is, however, to be without prejudice to the free use to be made of the said Lands and Houses for public purposes.

11. Prisoners of War comprehended in the present Capitulation shall not be pressed into His Britannic Majesty's Service, or engaged against their own free will and consent. With respect to other Persons, they are provided for in Article the 5th of this Capitulation.

12. The Inhabitants of Cape Town shall be exempted from having Troops quartered on them.

13. Two Ships having been sunk in Table Bay, to the great detriment of the Roadstead, either after the Batavian Republic had sent out a Flag of Truce, or whilst it was in contemplation to do so,—they are to be raised again, and delivered over in an entire state of repair. This having been done without the sanction of the Commandant, the raising of the said Ships shall be incumbent on those who sunk them.

14. This Capitulation shall be signed at four o'Clock this Afternoon, when the Castle of Cape Town, and all the adjacent Forts previously mentioned, shall be surrendered to His Britannic Majesty's Troops.

Given under our Hands and Seals, this 10th day of January, in the year of our Lord one thousand eight hundred and six, at Papendorp, near Fort Knokke.

(Signed)	H. C. Baron von Prophalow,	(L.S.)
	D. Baird, Major-Gen.	(L.S.)
	Home Popham,	(L.S.)

Executed in the presence of

(Signed),	J. A. Truter,
	J. Palmer.

*Proclamation, by His Excellency Major-General
Sir David Baird, &c.*

WHEREAS it is highly necessary for the prevention of all disputes, and the better regularity of trade, that the

several Coins of Money ⁽¹⁾ which are current in this Colony should have a fixed and determined value assigned to them, I having taken the same into my most serious consideration, have determined, and do hereby order accordingly, that the respective values of the Coins hereafter mentioned should be as follows:—

	<i>Sks.</i>	<i>Stvs.</i>	<i>Sterling.</i>
A Guinea,	44	264	£1 2 0
A Doubl. 16 Span. Dollars, 160	960	4	0 0
A Johanna, 8 ditto,	80	480	2 0 0
A Ducat,	19	114	0 9 6
A Venetian Sequin,	19	114	0 9 6
Gold Mohr, 15 Sic. Rup. ..			1 17 6
A Pagoda,	16	96	0 8 0
A Spanish Dollar,	10	60	0 5 0
A Rupee,	5	30	0 2 6
English Shilling,	2	12	0 1 0
Copper Coin,		2	0 0 2

[And whereas it is important for the prosperity and welfare of this Settlement, that the exportation of all Gold and Silver Currency should be prohibited; and whereas the same has been accordingly forbidden by several Proclamations issued from time to time, not only in the Dutch Government, but also by the British Governors and Commanders, I think proper to issue this Proclamation, strictly prohibiting the exportation of any Money or Monies current in this Settlement.

Any person convicted of attempting to act contrary to this Regulation, and found guilty of having exported a greater sum than to value of Ten Pounds, will be punished by the confiscation of the whole of the Money or Monies so exported, one third of which will be given to the Informer.—*Repealed by Proclamation of 10th May 1816.*]

Given under my Hand and Seal, this 23d day of January 1806.

(Signed) D. Baird,

Major-General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. Smyth, A. C. Secretary.

(1) *Vide Ordinances Nos. 2 and 6, 1825.*

Government Advertisement.

HIS EXCELLENCY Major-General Sir David Baird, K.C. Commanding in Chief in this Settlement, having taken into his consideration the present establishment of the Post Boors, highly approves of the same, and directs it to be continued on its present footing. The Landdrosts of the different Country Districts, as also all Field-Cornets, and in general whomsoever it may concern, are desired therefore to see that these His Excellency's intentions are carried into execution accordingly.

His Excellency having also understood that nearly a Year's Arrears are due to the Post Boors, has graciously been pleased to give directions that the same shall be forthwith paid by the several Landdrosts, who will be further instructed to defray in future all charges incurred by this establishment quarterly. And His Excellency expects that all Government Despatches will be forwarded with the utmost regularity, and without the least delay.

Secretary's Office, Castle of Good Hope,
14th February 1806.

By Order of His Excellency,
(Signed) J. C. Smyth, A. C. Secretary.

*Proclamation, by His Excellency Major-General
Sir David Baird, &c.*

WHEREAS it has been represented to me, that there are a considerable number of Strangers residing in this Settlement, without any regular Pass or Permission to remain here; and whereas it has happened that several Inhabitants have received Passengers, Deserters, and others, from different Ships, and who having remained in the Town after the departure of the Ships to which they belonged, have not been reported either at the

Secretary's Office, or to the Municipal Officers,—having taken the same into my most serious consideration, and wishing to prevent the evils that must arise from an improper introduction of Strangers into this Colony, have thought proper to direct, that the following Regulations with respect to all Foreigners or Strangers whatsoever, shall be most strictly complied with :—

1. Any Inhabitant receiving any Stranger into his house as a lodger or otherwise, is, within twenty-four hours after his arrival, to report the same at the Office of the Chief Civil Magistrate, as also at that of the Town Major, specifying in writing the Stranger's Name and Country. Persons neglecting this Regulation will be liable to a Penalty of One Hundred Rixdollars, one third of which will be given to the Informer.

2. Any Farmer or other, living beyond the Hottentot's Holland, or Roode-Zand-Kloof, receiving any Stranger within his house (Military Officers and other in the Service of His Majesty expected), without immediately reporting the same to the nearest Field-cornet, will also be liable to a Penalty of One Hundred Rix-dollars.

3. The Landdrosts of the Country Districts, as also all Heemraden and Field-cornets, are hereby not only authorised, but required, to call upon all strangers whatsoever travelling beyond the Kloofs, to show their Passes, and immediately to arrest and send to Cape Town all Persons not having regular Passes.

4. All Captains and Masters of Ships are hereby particularly enjoined to take care that all such of their respective Passengers as may obtain leave to reside on shore during the time they remain in the Roadstead, re-embark previous to their sailing, if permission has not been obtained for the contrary.

5. Lastly,—All Foreigners whatsoever, at present residing in this Settlement, and who are not provided

with proper Passes to remain here, are hereby ordered to attend between the hours of ten and one o'clock in the forenoon, at the Castle, at the house of Brigadier-General Beresford, Commandant of Cape Town, on Monday, Tuesday, and Wednesday next, where a committee, consisting of the said Brigadier-General Beresford, Commandant of Cape Town, W. S. van Ryneveld, Esq., His Majesty's Chief Civil Magistrate, and Lieut.-Colonel Vassal, Commanding His Majesty's 38th Regiment, will assemble for the purpose of inquiring into the Names, Business, and Country, of all Foreigners who may present themselves.

Given under my Hand and Seal, this 25th of February 1806.

(Signed) D. Baird.

Major-General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. Smyth, A. C. Secretary.

Government Advertisement.

NOTICE is hereby given, that as the means hitherto employed for keeping the Bays and Harbours of this Colony clear of lost Anchors, have not been attended with the desired effect, all Persons whatsoever are authorised to search for, and take up all such Anchors, agreeably to the following Regulations:—

1. Any Anchor taken up, and proved to belong to any Ship or Vessel then at the Anchorage where the said Anchor has been found, or to any Vessel recently gone to sea, shall be delivered to the Owners thereof, or their Agents, upon payment of the usual salvage for recovering the same.
2. Any Anchor that shall be taken up, and not claimed by any Ship or Vessel then at the Anchorage,

shall be landed, and a description of the same made public; and if not claimed by the Owners or Agents within one month after the landing of the same, it shall then become the property of the Finder.

3. All Anchors left by His Majesty's Ships on their going to sea, or recently lost by them, are to remain to be taken up by the Naval Department: should, however, any person or persons happen to recover any Anchor belonging to His Majesty, (other than as above-mentioned) they will be entitled to the customary Salvage allowed in His Majesty's Naval Service.

Secretary's Office, Castle of Good Hope,
1st March 1806.

By Order of His Excellency,

(Signed) J. C. Smyth, A. C. Secretary.

Proclamation, by His Excellency Major-General
Sir David Baird, &c.

WHEREAS in the Regulations issued by the late Batavian Government, dated 20th September, 1804, it is ordered and decreed, that in the Country Districts of this Settlement, Marriages may be solemnized by the several Landdrosts and Heemraden without the Ceremony being performed in a Church or at the usual place of Divine Worship;—and whereas the above Regulations were ordered (by a Resolution of the Governor and Council dated 3d January, 1805) to be adopted also in Cape Town, and in consequence of that Resolution it appearing that Marriages have been of late solemnized by the Matrimonial Court, (composed entirely of Laity) and which Marriages are esteemed valid by the present Law

on that subject, without the Ceremony being performed by an ordained Clergyman, or the assistance of the Church being in any manner required. Now, having taken the above Regulations, and this new Custom, into my most serious consideration, and reflecting that in all civilized Countries where the Christian Religion is professed and respected, the Marriage Ceremony is justly reckoned a Holy Institution, connected with the Sacred Principles of Religion, and not (as these Regulations would infer) a mere Civil Contract, I therefore by virtue of the power and authority vested in me by His Britannic Majesty, do strictly prohibit the Court for Matrimonial and Civil Affairs, as also the Landdrosts and Heemraden of the several Country Districts, from performing the Marriage Ceremony in future; and do hereby order and direct that all Marriages in this Settlement, as was the case before the Regulations before mentioned were issued, are to be performed in the former manner by an ordained Clergyman or Minister of the Gospel belonging to the Settlement.

As, however, in consequence of the great distance that some of the Inhabitants of the Settlement dwell from the Capital, they must suffer great inconvenience in being obliged to make so long a journey, if they are allowed only to be married in Cape Town, as was formerly the case, I do therefore authorise and allow the Clergymen of the several Country Districts to perform the Marriage Ceremony in their respective Cures or Parishes, and the Court of Heemraden to register these Marriages in the same manner as is done by the Court for Matrimonial Affairs in Cape Town; and whenever it may happen that there is no Clergyman in any District or Parish, then the Parties wishing to be married must apply to the Clergyman of the neighbouring Parish, who is authorised to marry them, upon their producing a Certificate from their Landdrost and Heemraden, that

there is no legal objection, and observing all other usual forms and ceremonies.

Given under my Hand and Seal this 26th day of April, 1806.

(Signed) D. Baird,
Major-General, Commanding in Chief.
By Order of His Excellency,
(Signed) J. C. Smyth, A. C. Secretary.

*Proclamation, by His Excellency Major-General
Sir David Baird, &c.*

WHEREAS it has been represented to me, that various irregularities and abuses are constantly committed at the Public Auctions ⁽¹⁾ held in this Settlement, to the great detriment of the Public Revenue, and to the injury of Individuals; and whereas amongst other practices, Goods and Articles exposed to public sale are frequently bid for by the Owners themselves, or their Agents, who attempt, by so doing, to obtain a higher price for what they expose to sale by Auction, than the same really is worth; and whereas it frequently happens, that in the event of their not succeeding in this scheme, that the Goods are disposed of by private Contract at a less price than has been offered at the Auction, whereby the fair Trader is injured, and the Public Revenue defrauded of the Vendue Duty; I having taken the above practices into my serious consideration, think proper to direct, that the following Regulations shall for the future be strictly attended to:

1. The Vendue Master is to keep a separate Account of all Goods and Articles exposed for Sale, and bought in by the Owner or Proprietor thereof, on all which Goods and Articles one half the usual Duties are to be levied.

(1) *Vide* Proclamation, 3d September 1813.

2. Immoveable Property is to be exempted from the foregoing Regulation. If, however, immoveable Property is exposed to Sale at Public Auction, and being bought in by the Proprietor, is afterwards disposed of by private Contract within six weeks from the day it was exposed for sale at the Public Auction, then the whole of the Vendue Duties are to be levied in the same manner as if such immoveable Property had been disposed of at Public Auction.

3. Any Person buying Goods or Articles at a Public Auction in the name of the Owner or Proprietor, with a view to defraud the Public Revenue, shall not only forfeit the whole of the Goods or Articles so bought, or to the amount thereof, but shall also be liable to such further pains and penalties, as are already awarded by Law against all Defrauders of the Public Revenue.

Given under my Hand and Seal, this 2d of May 1806.

(Signed) D. Baird,

Major-General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. Smyth, A. C. Secretary.

Government Advertisement.

HIS Excellency the Lieut.-General Commanding in Chief directs, that all Merchants, Masters of Vessels, or others; who may have occasion to land their Goods at the Wharfs either of Cape Town or Simon's Town, will remove the same from off the Wharf as soon as possible; it having been represented to him, that great inconvenience to the Trade of the Settlement, as well as much damage to the Wharfs, has arisen from heavy Articles having been left on the Wharfs for a considerable period.

All Articles left upon the Wharf, either at Cape or Simon's Town, longer than three days, without special

premission, (to be granted only in very particular cases) will be liable to be seized and confiscated by the Custom-House Officers, who are hereby charged with the necessary Authority to enforce this Regulation.

Secretary's Office, Castle of Good Hope, 23d May 1806.

By Order of His Excellency,

(Signed) J. C. Smyth, A. C. Secretary.

*Proclamation, by His Excellency Lieut.-General
Sir David Baird, &c.*

WHEREAS it is highly necessary for the welfare and tranquillity of this Settlement, that the Inhabitants of the Country Districts should yield prompt obedience to the lawful orders and commands of the Field-Cornets; and whereas it has been represented to me, that it sometimes happens, that when Wagons or Horses are required for the Public Service, and the Field-Cornet in consequence sends to the Farmers of his District for their Wagons, Horses, or Teams of Cattle, as may be required, that some of the Farmers object to comply with the Field-Cornet's orders, alledging, in excuse, that it is not their turn to be called upon; now, having taken the above circumstances into my consideration, and being determined that as little delay as possible shall be occasioned by these disputes, to the Public Service, (by virtue of the Power and Authority vested in me by His Majesty) I do hereby direct that the following Regulations on the subject are to be strictly adhered to:—

1. All orders or requisitions from the Field-Cornets are to be immediately complied with. Any Farmer refusing or neglecting to furnish his Wagon, Oxen, or Horses, as directed by the Field-Cornet, will be liable to a penalty of Fifty Rixdollars; one half of which

sum is to be paid to the Field-Cornet, and one half to the Farmer whose Wagon, Oxen, or Horses, shall have been made use of.

2. The Field-Cornet to report without delay all instances of neglect or disobedience on the part of the Farmers to the Landdrost of his District, who, assisted by the Court of Heemraden, is hereby directed and required to investigate into the complaint, and if upon due inquiry it should appear to be founded, to inflict the penalty above-mentioned.

3. In order, however, to guard the Farmer from any wanton oppression on the part of the Field-Cornet, all Field-Cornets are hereby required to keep Lists of the Inhabitants of their several Districts, and to call upon them all in rotation, without any partiality or distinction, for their Wagons or Cattle; and these Lists are to be shown at the Yearly Opgaaf to the Landdrosts and Heemraden, who are hereby directed to report that they have seen and examined the same.⁽¹⁾

4. Any Farmer conceiving himself called upon for his Wagons, Teams, or Horses, oftener than in his proper turn, or in any other mode ill treated and oppressed by his Field-Cornet, is at liberty to complain to his Landdrost and Heemraden, who are to report to the Colonial Secretary's Office, for my information, the name of any Field-Cornet whom they may find guilty of acting in an improper manner, in order that I may take such steps respecting him as the nature of the case may appear to me to require.

5. The Landdrosts and Heemraden of the respective Country Districts, are hereby enjoined to be extremely particular, in future, in selecting the most respectable Inhabitants to recommend to me to be appointed Field-Cornets; and as upon the proper conduct of the Field-Cornets the tranquillity and welfare

(1) *Vide* Proclamation, 12th March 1818.

of the Country Districts so much depend, it is my further directions, that all Persons at present acting as such, and who may not be deemed fit by the Landdrosts and Heemraden of their several Districts to continue in that situation, may be reported to me, in order that they may be forthwith removed. ⁽¹⁾

Given under my Hand and Seal, this 16th July 1806.

(Signed) D. Baird,

Lieut. General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. Smyth, A. C. Secretary.

Government Advertisement.

NOTICE is hereby given, that in consequence of the representations that have been made to His Excellency the Lieutenant-General Commanding in Chief, upon the bad state of the Roads in the Country Districts, he has directed the several Landdrosts to be written to, authorising them to appoint an Overseer of the Roads in each District, who will be empowered to call upon the Inhabitants to furnish a proportion of their Slaves (according to an accurate list to be furnished by the Landdrost and Heemraden) for the repair of the Roads.

Persons neglecting to furnish their Slaves when called upon, will be liable to a penalty of Fifty Rix-dollars for each offence, which sum is to be levied by the Landdrost and Heemraden, and applied to the Fund for the repairing of the Roads. ⁽²⁾

Castle of Good Hope, 13th September 1806.

By Order of His Excellency,

(Signed) J. C. Smyth, A. C. Secretary.

⁽¹⁾ *Vide* Proclamations, 26th Aug. 1814, § 15,—and 14th Feb. 1817.

⁽²⁾ *Vide* Proclamation, 6th August 1824.

*Proclamation, by His Excellency Lieut.-General
Sir David Baird, &c.*

WHEREAS it has been reported to me, that considerable quantities of Spanish Dollars have been lately smuggled out of this Settlement, notwithstanding the strict Regulations already issued on the subject ;—now, being determined to enforce due obedience to the Laws, and having taken into consideration, that if the further exportation of Specie is not carefully guarded against, His Majesty's Service, as well as the Colony in general, will be exposed to great inconvenience, I do hereby (by virtue of the Power and Authority vested in me by His Majesty) order and direct that the following additional Rules and Regulations shall henceforth be punctually observed, it being my intention to punish any deviation from the same with the utmost rigour:—

1. No Boat or Vessel, other than those belonging to His Majesty, and when employed in His Service, shall attempt to Land or Ship Goods, Wares, or Merchandize at any other place than the Wharf; all other Boats whatsoever, whether employed Shipping, Transshipping, or bringing Goods on shore, must be provided with a Permit from the Custom-House, which Permit is to particularize the number and nature of the Goods, Wares, or Packages on board. Persons failing to comply with any part of the above Regulation, will be liable to a penalty of Fifty Rixdollars for each transgression.

2. Boats detected either carrying off Specie, landing from, or shipping on board any Vessels in the Harbours of this Colony, or transshipping Contraband Articles, will, together with the Slave or Slaves employed in navigating them, be confiscated: and if the said Boat should be worked by free People, they will

be liable to be imprisoned for Twelve Months. The Owners of the Specie or of the Contraband Articles will be fined three times the amount of the Specie, or of the Goods attempted to be smuggled in or out of the Settlement.

3. During the season of the year that the Ships are in Table Bay, all Boats belonging to the shore are to be fastened and secured with a Chain during the night. When Simon's Bay is open, this Regulation is to be extended to Simon's Bay. The Owners of Boats will be fined Twenty Rix-dollars for each Boat not properly secured; and those Boats that have not their Numbers painted on their sterns, according to the established Regulation, will be liable to be confiscated.

4. All penalties, forfeitures, and fines levied on account of any breach of the above Regulations, to be divided into three parts, One-third for the Colonial Treasury, One-third for the Fiscal, and One-third to be given to the Custom-House Officer or Informer; and if any of the Guards shall detect any attempt to export Specie, they will receive One-third of the amount of the Sum.

5. The Captain of the Port and Harbour-Master, as well as His Majesty's Fiscal and the Collector and Comptroller of the Customs, as also all Officers Civil and Military, are hereby strictly enjoined to give every assistance in carrying the above Regulations into effect.

Given under my Hand and Seal, this 30th Oct. 1806.

(Signed) D. Baird,

Lieut. General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. Smyth, A. C. Secretary.

Government Advertisement.

NOTICE is hereby given, that in consequence of a representation from the Landdrost and Heemraden of Stellenbosch, His Excellency has thought proper to authorise them to fix the following Tariff, to be complied with by all Persons passing the Berg River, at the Bridge of Boats belonging to the Stellenbosch District:

For a loaded Wagon, from either side of the River,	1 <i>Rd.</i>
For an empty Wagon,	do. 4 <i>Sks.</i>
For a Coach, Barouche, or any 4-wheeled conveyance,	4 —
For a Cart, Gig, or any other Carriage with 2 wheels,	2 —
A Foot Passenger,	. . . 1 —
A Horse, Ox, or Mule,	. . . 1 —
A Sheep or Goat,	. . . 1 <i>Stv.</i>
A Flock of Sheep or Goats exceeding 50 in number,	1 <i>Rd.</i>
for the Flock.	

Persons dwelling in the Groeneberg, Wagonmakers' Valley, and Klein Drakenstein, and who are obliged to pass the River to attend the Church at the Paarl, will not however pay as above, but will be allowed to pass on Saturdays, when going to Church, and on Sundays, when returning home, at the low rate of one Skilling each time for any conveyance they may have.

Men on horseback will pay, when proceeding to Church, one Skilling, and will be entitled to pass the Bridge, on their return home, *gratis*.

Castle of Good Hope, 3d January 1807.

By Order of His Excellency,

(Signed) J. C. Smyth, A. C. Secretary.

Proclamation, by His Excellency Du Pré, Earl of Caledon, Viscount Alexander, and Baron Caledon, of Caledon, &c.

WHEREAS by a Proclamation issued by the Earl of Macartney, when Governor of this Colony, bearing

date the 17th day of March 1798, certain Regulations were established for enforcing the due payment of the Poll and Chimney Money from the Inhabitants of the Cape District ; and it appearing by the 35th Article of the Instructions given by the late Batavian Government to the Burgher Senate, that some further measures were ordered to be adopted with a view of preventing any delay in the Collection of this essential Branch of the Town Revenue.

And whereas it has been represented to me by the President and Members of the Burgher Senate, that notwithstanding the Provisions contained in the said Proclamation, as well as in the Instructions before mentioned, that considerable delays and difficulties have arisen owing to their not being possessed of sufficient Authority to enforce the due payment of the aforesaid Taxes ; and having taken their representation into my serious consideration, and it being my firm determination to give every support to the Magistrates established by Law, to enable them to enforce compliance with such Regulations as have been found necessary for the public good : I do hereby recall the said Proclamation of the 17th March 1798, and annul the 35th Article of the Instructions from the Batavian Government to the Burgher Senate, in as much as it relates to the Taxes before mentioned ; and hereby order and direct, that from and after the date of these presents, Two Members of the Burgher Senate do attend at their Senate House on the first Monday and Tuesday of every year, and likewise on the first Monday and Tuesday in the months of April and October, from the hours of 9 to 12 in the forenoon, and from 3 to 5 in the afternoon, for the purpose of receiving payment of the Taxes of Poll and Chimney Money : and the several Inhabitants are hereby directed and required to appear before the said deputed Members at the time appointed,

to acquit themselves of the payment of the Taxes aforesaid. And should any Person or Persons, in disobedience of these my Orders and Commands, fail to appear at the Senate House within the time specified, and for the purposes herein mentioned, they shall forfeit the sum of 10 Rds. each, to be paid into the Town Treasury. And the Burgher Senate are hereby fully authorised, and empowered, to summon such defaulter or defaulters before them, and there to require the payment of their quota, or to assign such reasons for having delayed the payment thereof, as shall appear sufficient: but should any one refuse to obey the summons, or not assign sufficient cause, the Burgher Senate have, in such case, full power and authority given them, to issue a Warrant under their Hands and Seal, without any further notice or process, for distraining on the party or parties so defaulting, to the amount of their default, together with all the expenses attending the recovery of the same; which Warrant shall be executed according to the established Law and Custom of the Colony. But in order to prevent any improper use being made of the power and authority vested by these presents in the President and Members of the Burgher Senate, it is hereby provided, that previous to the execution of the Warrant aforesaid, the party shall be at liberty, on depositing the sum of 25 Rds. in the hands of the Secretary of the Burgher Senate, to appeal to the Court of Justice; but if the party so offending shall fail to prosecute his Cause in Appeal on the first Court Day next ensuing, he shall not only forfeit the sum deposited, but moreover be liable to pay all further costs and expenses which may have been incurred; which sums are to be carried to the account of the Town Treasury.

And, in order that no Person may be able to plead ignorance of these presents, I do hereby order and

direct, that this may be published immediately, and stuck up in the usual places.

Given under my Hand and Seal, at the Castle of Good Hope, this 20th day of June 1807.

(Signed) Caledon.

By His Excellency's Command,

(Signed) A. Barnard, Secretary.

Government Advertisement.

NOTICE is hereby given, that in consequence of a representation from the Landdrost and Heemraden of Stellenbosch, His Excellency has thought proper to authorise them to fix the following Tariff to be complied with by all Persons passing the Lower Great Berg River, at the Ferry of L. Botma :—

For a loaded Wagon from either side of the River,	1 Rd.
For an empty Wagon, ditto	4 Sk.
For a Coach, Barouch, or any 4-wheeled conveyance,	4 —
For a Cart, Gig, or any other Carriage with two wheels,	2 —
A Foot Passenger,	1 —
A Horse, Ox, or Mule,	1 —
A Sheep or Goat,	1 Stiv.
A Flock of Sheep or Goats exceeding 50 in number, 1 Rd. for the Flock.	

Castle of Good Hope, 28th August 1807.

By Command of His Excellency the Governor,

(Signed) A. Barnard, Secretary.

Proclamation, by His Excellency Du Pré, Earl of Caledon, Viscount Alexander, &c. &c.

HAVING taken into my consideration several Representations that have been made to me, of the inconvenience that arises for want of a distinct Demarcation of the Boundaries of the new Drostdy of Tulbagh, ⁽¹⁾ I have judged it expedient to define the limits thereof, and hereby to direct, that all Persons residing within the same, as hereunder described, do take especial care to give in their *Opqaaf* to the Landdrost of Tulbagh, annually, by the time prescribed by Law, and do consider themselves in future wholly within the jurisdiction of that Drostdy.

But inasmuch as the difficulty of the Passes, and the badness of the Roads, would render it extremely inconvenient for the Inhabitants of the several Districts of the Oliphants River, the Onder Roggeveld, Hantam, Onder or Great Bokkeveld, and Namaqua Land, to proceed to Tulbagh in compliance with the directions herein given, it is my intention forthwith to appoint a Deputy Landdrost, to be resident at Jan Dissels Valley, in order to receive the *Opqaaf* of the several Districts above-mentioned, and for such other purposes as will be communicated to the Inhabitants of the District of Tulbagh, through the Landdrost, or Landdrost and Heemraden, thereof.

The Great Berg River, from its mouth at St. Helena Bay, to the spot where the Koopmans River falls into it, is to be the line of division between the Drostdies of Stellenbosch and Tulbagh; the division will from thence be marked by the Koopmans River itself to its source; after which, the great chain of Hills, as far as the Marais Hoogte, and from thence, the River Zonder End Hills to the Baviaans Kloof, will form the Boundary of the two Drostdies.

(1) Now included in the District of Worcester.

Thus the Land to the Eastward of the Great Berg River, and to the Northward of the Koopmans River, is to belong to the Drostdy of Tulbagh; while that to the Westward of the Great Berg River, and to the Southward of the Koopmans River, is to continue as heretofore under the Drostdy of Stellenbosch. And the Districts of Gaudine, Brand Valley, Breede River, and half of the Boschjesveld, laying to the North-Eastward of the Great Chain of Hills above described, are to be considered as belonging to the Drostdy of Tulbagh; while the Districts of the Groeneberg, Wagenmakers Valley, Drakenstein, the Paarl, and the River Zonder End, are to remain under the Drostdy of Stellenbosch.

From the Baviaans Kloof in the River Zonder End Hills, the division between the Drostdies of Tulbagh and Swellendam is formed by an ideal line, which crosses the Boschjesveld in a North-Easterly direction, between the Field-Cornetcies of Laurens and Opperman, as far as the Goerits Hoogte, dividing the Breede River nearly at right angles at the Matjes Drift.

The Land to the Northward of this line, viz: the Field-Cornetcies of J. Laurens and Naude, will belong to the Drostdy of Tulbagh; and the Field-Cornetcy of J. P. Opperman, will belong to that of Swellendam. At the foot of the Goerits Hoogte, this ideal line again joins the Great Chain of Hills to the North of the Breede River, which Chain to the Eastward of the Hex River and to the Southward of the Draay, will constitute the Line of Division till it joins the old Boundary, leaving thus the Draay, the Straat, and the Hex River, under the Drostdy of Tulbagh.

Given under my Hand and Seal, at the Cape of Good Hope, this 1st day of February 1808.

(Signed) Caledon.

By His Excellency's Command,
(Signed) C. Bird, A. C. Secretary.

Government Advertisement.

THE Committee appointed by the Proclamation of the 14th December, 1807, for investigating the state of Public Credit, having terminated their Sittings, and made their Reports to the Governor and Commander in Chief, His Excellency has judged it expedient to issue to the Directors of the Lombard Bank, the Sum of One Hundred and Fifty Thousand Rix-dollars, as a Loan from the Public Treasury, in order that the same may be advanced in small Sums, for short periods, upon sufficient Security, to such Persons as, under the circumstances of the times, require pecuniary assistance ; and His Excellency has thought fit to direct the Members of the Loan Bank to guide themselves in future by the following Additional and Provisional Instructions, the necessity whereof is suggested in the Reports above alluded to.

1. The Loan Bank is in future to be under the direction of a permanent President, and Three Members, assisted by a Bookkeeper, Cashier, and Messenger.

2. The Salaries of the President and Members, as well as those of the Bookkeeper, Cashier, and Messenger, are to be paid out of the Colonial Treasury, and are not to be drawn, as formerly, from a proportion of the income of the Bank, and from the amount of Fees received in the Office.

3. All Fees, therefore, of every description, are to be duly accounted for to the Public, at each period of submitting the Accounts of the Bank to the inspection of the Auditor General.

4. The Accounts and Books of the Bank are to be closed on the 31st of December of each year, when, of course, the Interest of all outstanding Capital becomes due, and is to be collected with the least possible delay ; and the proceeds of such Interest is to be paid by the Directors of the Bank to the Receiver

General of His Majesty's Revenues monthly as it is collected, together with the amount of the Fees received in the Office.

5. Previous, however, to any payment being made to the Receiver General, the Account thereof is to be examined, and certified to be correct, by the Auditor General of Public Accounts.

6. The Capital of the Loan Bank having been absorbed by the practice of granting renewals in all cases ; and it appearing that great inconvenience might be apprehended from breaking through the custom at the present moment, the President and Members of the Bank are empowered to continue the same upon due consideration of each case ; but they are required to refuse the application where it is apparent that it will not be injurious to the Party, to pay in the principal sum for which he is indebted.

7. Whenever application is made to the Directors for a Loan to be transferred, upon the Sale of the Estate which was mortgaged to the Bank, by the original Debtor, the same is not to be complied with, unless 20 per Cent. upon the principal sum is paid into the Bank.

8. The Directors are required to call in 10 per Cent. per Annum of all Debts that have been outstanding above two Years, due by the Inhabitants of the Cape Town and its Vicinity ; which Vicinity is to be marked by a line drawn from Riet Valley, direct to Simon's Bay, comprehending all within the Salt River to Simon's Town inclusive ; and from such Persons as reside without these Limits, the Directors are to call in 6 per Cent. per Annum, of such sums as have been outstanding as above specified. In either case, however, six months' notice is to be given by the Directors ; but this regulation is not to interfere with the right which the Directors have to call in the whole sum due

to the Bank, in such cases, as circumstances may make it advisable.

9. Such Persons as have paid 20 per Cent. upon the transfer of a Loan to them, are not to be called upon for any further proportion within the first two years from the date of such transfer.

10. The Interest of all Money, either already issued, or to be issued from the Bank, is to be 6 per Cent. the legal Interest of the Colony.

11. The above Regulations being calculated again to bring into activity a proportion of the Capital at present absorbed, the Directors of the Bank (in order to keep in constant circulation the means entrusted to them, and to render as much aid to the Public as possible, under the existing circumstances) are to advance for the present no further sums on permanent Mortgage, but, are to confine the advances to Loans for short periods, of from one to six months, according to the circumstances of each case: and the Directors are not to issue to any one Person, or to any Firm, more than Five Thousand Rix-dollars.

12. Nevertheless, it is not the intention by such Regulations to deviate from the original design of the Bank, which at a future period will be directed to afford to the Agriculturists and Traders such relief as in justice can be granted to them, and under such a length of tenure as may enable them to prosecute their labours with increased effect.

13. The Directors are hereby empowered to accept of any sort of security, whether of moveables or immoveables, that may appear to them sufficient for the protection of the Public; but the Directors are not to advance any Money on Vendue Rolls or Extracts.

14. As the benefit to arise from this mode of advancing Money must greatly depend on the punctuality to be observed in the reimbursements, the Directors are

not to issue any sums without sufficient collateral personal security; and the Persons who bind themselves as securities for others, are to be aware that, by the nature of the obligation, they will be required to enter into, in failure of prompt payment by the Principal, they (as well as the Principal) will be immediately liable, by *parata executio*,⁽¹⁾ to the most summary mode of procedure against themselves.

15. With regard to the security of Deeds of Mortgage passed in the Loan Bank, it is hereby declared, that all such Deeds as may be hereafter passed by virtue of these Regulations, shall be considered as legal Mortgages from the date of the registry, and thus, preferred to all other special Bonds laid on the Goods of the Debtor, subsequent to that period.

16. The Directors of the Bank are not to charge any Fees upon Loans issued for short periods of six months or under, but, the obligations are to be made out on a Stamp of Two Rix-dollars, and the Fee for Enregistration at the Secretary's Office is to be continued.

17. All applications for Loans are to be made to the President and Members of the Bank by letter, in which the sum required, and the time for which it is wanted, are to be stated, together with the nature of the security proposed; and preference in the issues is to be given to such as have not received prior aid from the Bank.

18. The Directors of the Lombard Bank are to be guided by their former Instructions, in all cases, which are not provided for by the present Regulations.

Castle of Good Hope, 1st June 1808.

By Command of His Excellency the Governor,

(Signed) C. Bird, A. C. Secretary.

(1) No longer in existence.

Government Advertisement.

HIS Excellency the Governor and Commander in Chief having taken into His consideration, that the increased Population of the Settlement has rendered the Duties of His Majesty's Fiscal so arduous, as to make it impossible for him to attend to the Interior arrangements of the Cape District, as has hitherto been the case: His Excellency has determined upon separating the Duties of Landdrost from those of the Fiscal; and has in consequence been pleased to appoint J. Zorn, Esq. to be Landdrost of the Cape District, who will act under the Regulations and Instructions subjoined. His Excellency has also thought proper to appoint a Court of Heemraden for this District, to be formed by the present members of the Matrimonial Court, together with Messrs. Gysbert van Reenen of Rondebosch, and Melt van der Spuy of Koebergen: which Court of Heemraden will act under particular Instructions, this day communicated to them, and which will be made public in the ensuing week's Gazette.

Castle of Good Hope, 31st March, 1809.

By Command of His Excellency the Governor,
(Signed) H. Alexander, Secretary.

Instructions for the Landdrost of the Cape District.⁽¹⁾

ART. 1. The Cape District shall be under the direction of a Landdrost and Heemraden, with such other subordinate Officers as shall be hereafter named.

2. The Jurisdiction of the Cape District is limited from the Lines to the known Boundaries between that and Stellenbosch.

3. Here is, however, to be excepted the Ward No. 26, beyond the Lines, called Papendorp, and the Town in Simon's Bay, usually named Simon's Town,

(1) Vide Ordinance No. 77.

for so far as concerns Simon's Town alone ; and thus the Deputy Fiscalship there, remains directly under the superintendence, and as an immediate branch of the Fiscal's Office in Cape Town.

4. The Landdrost of the Cape District is also to act as President of the Matrimonial Court, and Court for Decision of Petty Law Suits.

5. The Members of this Board, after having transacted the usual Business of the Matrimonial Court, and Court for the Decision of Petty Cases, are then to act as Heemraden of the Cape District.

7. The subordinate Divisions of this District are under the same Field-Cornetcies as at present, which Field-Cornets, in the Environs of their fixed limits, do also exercise a part of the Public Service, agreeably to a particular Instruction, and are to comply with the Orders of the Landdrost, or Landdrost and Heemraden.

7. The Landdrost, as well as the Board of Landdrost and Heemraden, receive their necessary Orders immediately from the Governor and Commander in Chief, excepting only their Judicial Authority, concerning which, they are obliged to respect, and follow the Decrees of the Court of Justice.

8. In Criminal Cases, the Landdrost is subject to His Majesty's Fiscal, to whom he therefore shall be obliged to give due information of all Crimes committed in his District, and to pay attention that the Perpetrators are promptly and regularly pursued. The Fiscal as Chief Officer of Justice has also the right of prevention, to wit,—whenever he shall have been the first to arrest or confine the Malefactor, or in case he has been the first to obtain proofs concerning the Crime committed, or in cases of such a magnitude or nature as are considered by the Governor, or the Court of Justice, to require the prosecution to be conducted by His Majesty's Fiscal.

9. The Vendumastership in this District is entirely unconnected with the Landdrost or with the Secretary.

10. The Landdrost shall have a yearly income of Three Thousand Five Hundred Rix-dollars, commencing from the date of his Appointment, and is to be paid every Quarter out of the Colonial Revenues.

11. The Landdrost shall, in his capacity of Officer of Justice, not be allowed to receive any other Penalties, or part thereof, than those fixed by Law, or are lawfully granted to him from all remaining Penalties: if they amount to Fifty Rix-dollars or less, the half is to be paid to the Poor; one-fourth to the Under-Sheriff; and one-fourth to the Constables of Justice belonging to the Sherifalty; and whenever they amount to more than Fifty Rix-dollars, Twenty-five are to be deducted therefrom, and to be divided between the Under-Sheriff and Constables in two equal portions, and the remaining part is to go to the Colonial Treasury.

12. The Landdrost of the Cape District receives his Appointment from the Governor and Commander in Chief, and follows these Instructions in the execution of his functions, which are, however, subject to such alterations and amendments as His Excellency the Governor may from time to time think proper.

13. He preserves the supreme power of His Britannic Majesty, and takes care that no person, under any pretence whatever, maketh the least encroachment therein.

14. The protection of all persons, property, and possessions, and the promotion of the prosperity of the District over which he is appointed, must be his principal aim.

15. To do this with any effect, his first endeavour ought to be, to obtain a perfect knowledge of all Persons living in his District, their profession and relations, as well as their Estates, Lands, and Products.

16. He will pay particular attention to the Education of the Youth, and will endeavour to make the means for that purpose convenient to every Family : he will endeavour especially to encourage Youth in industry, by treating the laborious Farmer with attention, and thus making them view the situations of such Farmers as respectable, and of the highest benefit for this Colony.

17. The original Natives of this Country, the Hotentots, must be considered and treated as free People, who have a lawful abode in the Colony, and their Persons, Property, and Possessions, ought for that reason to be protected the same as those of other free People.

18. The Landdrost must constantly bear in mind, that this Colony's prosperity depends on the quantity and goodness of its produce ; he endeavours to convince the Inhabitants of his District, as much as possible, of this truth, and uses every leading means to promote the same.

19. The Improvement of Cattle being of the greatest importance, the Landdrost is to pay due attention to this subject, and promote in every possible manner the making of Artificial Pastures, Winter Stables, and every thing else that can be of any service in this case.

20. The Landdrost, for that purpose, ought to have a perfect knowledge of all the different quarters of his District, that he may know for what kind of Cattle every Place is most proper, and how they are to be used, according to the nature of those quarters, that he may be capable of giving advice, and teaching the Inhabitants what is likely to turn out to their greatest advantage. Every one who maketh Improvements in the breed of Cattle, promoting his own interest, &c. also assists in promoting the general prosperity, and as a meritorious

Burgher, ought to meet at all times with encouragement, advice, and support, from the Landdrost of his District.

21. The Landdrost is earnestly recommended to encourage in the strongest manner, the breed of Spanish Sheep. It is noticed in the old Registers of the Colony, that a century past, many promising samples have been furnished of Wool, and that the want of proper attention to this breed of Sheep, is the only cause that deprives this country of that inexhaustible source of property.

22. The Land used for Agriculture, the Landdrost ought also to acquire a perfect knowledge of; for that purpose, he enquires what produce is best adapted to each place, enabling himself by those means to give the best advice.

23. Besides the cultivation of Corn, the Landdrost will encourage the Inhabitants to cultivate all such Products as may either be used as food, and by that means procure saving of Corn, or become an advantageous object for exportation; amongst which last kind of Produce, the cultivation of Wine, ought to be taken into the greatest consideration.

24. The planting of Wood, and the preservation of the already existing Woods, ought also to be encouraged, the same becoming more and more necessary for Buildings and Firewood for the Inhabitants.

25. In general, the Landdrost is to observe, that according to the encreasing population, the necessity also augments, of defining the limits of each Place, and to take care that the greatest advantage is made of all the Land still at the disposition of Government; and that accordingly, the strictest regularity is observed, as well in the distribution as in the cultivation thereof.

26. The enquiry concerning those Places, and Premises, given either on Loan, Quitrent, or Property, the Landdrost ought to place amongst his principal trans-

actions, and with the deliberation of the Heemraden, leave no means untried to conform precisely to the Resolutions of 29th February 1804, 15th May 1805, and the Additional Instructions of 2d July 1807, which are to be considered as if herein inserted.

27. The Landdrost shall keep a particular Account of all Places and Premises under his District, and expressly mark down the name and situation of every Place and Tenement, and the name of the Owner and Possessor thereof, and, to prevent confusion and misunderstanding, the Places and Premises shall be numbered.

28. The first object of the Landdrost is to take care that every Field-Cornet in the Cape District form an exact List of all the Places, Erfs, and Dwellings of whatever description soever in his division, separately numbered with the name of the Occupier or Owner, the name of his Wife, number of Children, Slaves, and Cattle, which are kept at each Place.

29. Within six months after the date hereof, the Landdrost is to form, from the different reports of the Field-Cornets, a separate List, pointing out :

- a) The distance of each Place from the Field-Cornet, as well as from the Town.
- b) What Rivers are situated between those Places and the Town.
- c) The nature and quality of each Place and Erf, with such other remarks as it may be necessary that Government should be made acquainted with.
- d) What customary Uitspan-places (Places for unyoking of Cattle) are in the Cape District.

30. At the end of each year, the Landdrost is to deliver in to Government a new list, together with the Report of the General State of the Cape District, as also the Names of such of the Inhabitants as may

appear to him to have signalized themselves by extraordinary exertions, whether in the planting of wood, clearing of land, or any other branch of Agriculture.

31. The Landdrost is to take especial care that the Salt Pans in the Cape District are not misused or injured; and principally that in the Cape Plains no new roads are formed near the same to the south-eastward.

32. In case any Ship is cast away in this District, the Landdrost shall be obliged to send immediately a report in writing to the Governor, and repair personally with the utmost speed to the place where the Ship was cast away, and there employ all proper means to save the people, and to preserve good order; and for which reason, every one without distinction being hereunto lawfully required, shall be obliged to give him the necessary assistance. The Landdrost shall be obliged to send a declaration of all the expenses incurred on the occasion to the Governor, in order that he may, after the examination thereof, direct in what manner the payment shall be made.

33. The Landdrost is further in such case authorised to apprehend all such persons as may be guilty of plundering the Shipwreck, and to send them in custody to the Capital, that they may be prosecuted by the Court of Justice, agreeably to the Proclamation of the 20th June 1793.

34. In case any Ship or Vessel, not having a particular Licence to sail on the Coast of this Colony, happens to run into any Bay, the Landdrost shall not allow any goods to be landed from the same before a regular permission shall be obtained from the Custom House, with the consent of His Majesty's Fiscal:

35. But in case any Ship or Vessel run into any of the Bays in distress, and the waiting for such a permission might endanger Ship or Cargo, the unloading of goods shall be permitted to be immediately done,

but with the necessary precautions, that under this pretence, no Contraband is brought on shore to the prejudice of the regular Duties.

36. All crimes committed in this District, the Landdrost shall prosecute before the Court of Justice of this Settlement, agreeably to the Constitution of this Government, and according to the Regulations relative to the Form of Proceeding, bearing date 9th July 1570. But this Article is not to be in force until the 1st January 1810.

37. The Landdrost shall be obliged to keep a proper Journal of all Transactions occurring in his District, and send a proper Report of all cases of consequence with the utmost speed to the Governor and Commander in Chief.

38. The Landdrost shall give immediate notice by Letter, not only to the Governor of all Criminal Cases which may happen in his District, but also to the President of the Court of Justice, and His Majesty's Fiscal.

39. His Judicial Examinations he shall hold before Commissioners from the Worshipful the Court of Justice, in the usual manner.

40. To carry on his Official Processes, either Civil or Criminal, he will be allowed to appoint an Attorney, provided he employs for that purpose one of the Advocates of the Court of Justice; or in case he might prefer any other person, to propose the same to the Governor for approbation.

41. The Landdrosts shall be permitted, without giving notice, or any previous consent of the Governor at the time, or from the Court of Justice, provisionally to cause all such Persons to be apprehended and taken into custody, who have no fixed abode in this Colony, and who, without any legal authority, remain in the same, and continue, without the knowledge or consent of the Governor and Commander in Chief, or His Majesty's

Fiscal, as Vagabonds in his District; as also all Deserters without exception. The Landdrost, nevertheless, shall be obliged to give notice of such apprehensions, without delay, to the Governor, and to His Majesty's Fiscal.

42. The Landdrost is obliged to obey all orders from the Court of Justice, especially when he is ordered by them to institute an action, or to enter into a Law Suit with any one; but on Informations and Complaints sent him from any other quarter, either requiring or persuading him to act, he shall be guided by his sense of Justice.

43. As long as the use of Slaves in this Colony shall not be done away, the Landdrost must esteem it one of his most sacred duties to watch over the treatment of those unfortunate persons. His Majesty's Government can never admit, that the title to Human Property permits ill-treatment; and for that reason it is expected, that all Constituted Powers and Officers, by their own example, will accustom their fellow Citizens to view the Slaves, and to use them as their fellow creatures, and never allow any cruelty towards them: every thing that may serve to civilize these people, and by teaching them the Moral Duties, render them useful Members of Society, is recommended to the Landdrost in the strongest terms.

44. Nevertheless, whenever any complaint is made by the Owners against their Slaves, the Landdrost may, after examination, and finding the complaint to be just, have such Slave punished either by temporary imprisonment not exceeding two months, corporal correction, or by placing him in irons for a certain time; but whenever it appears that the Slave who gave reasons for complaint was not only guilty of small trifling family offences, or other misconduct of the same nature, but crimes on which criminal punishment are fixed, he shall be obliged to bring the matter forward for public prosecution.

45. But whenever, on the other hand, any Male or

Female Slave lodges a complaint with the Landdrost of ill-treatment by their Owners, he will cause the complaining Slave provisionally to be taken into custody, and then make an exact enquiry into the merits of the case, in order that, if he finds the complaint to be grounded, he may proceed against the Owners before the Court of Justice as is becoming good Justice; but in case the complaint is not grounded, or is found to be calumnious, he shall, with the consideration of the Owner (in manner as aforesaid,) have the complainant punished.

46. He shall not be allowed to make known to any one the Secrets of his Office, except to his respective Superiors.

47. He shall hold a regular correspondence with His Majesty's Fiscal, and send to him all such information concerning the Justice and Police, as the said Fiscal shall deem necessary to require from the Landdrost; and, on the other hand, His Majesty's Fiscal shall send to the Landdrost all such information as in his situation may be of service to him.

48. The Landdrost, for the promotion of harmony, good order, and justice, shall correspond with the Landdrosts of the other Districts, in order to assist them in all such cases as may any ways promote the interest of each District; and especially respecting the apprehension of Deserters, Vagrants, &c. wandering about from District to District. The greatest activity is recommended to the Landdrost in circumstances which require dispatch.

49. Whenever the Landdrost has any grounded suspicion that any Inhabitant or Stranger is dangerous to the Public tranquillity and welfare of this Colony, without there being any cause of action against such a one, he shall inform the Governor and Commander in Chief thereof, with a summary relation of the reasons of his suspicion, in order to enable the Governor to dispose in this respect, as he shall deem necessary, for the welfare of the Public.

50. The Landdrost shall have for his due assistance in his Office, one Clerk, and two Police Ruyters, to be paid by Government; and to be appointed by the same on the proposal of the Landdrost.

51. Whenever the Court of Justice, or His Majesty's Fiscal, shall require any help or assistance from the Landdrost to enforce any summons or other transactions; or that the Orphan Chamber or Desolate Boedelkamer, for the purpose of promoting their respective Administrations, may be in want thereof, he shall immediately comply with the same, or cause the same to be complied with by his Officers.

52. The Landdrost shall take care that the performance of Divine Service in the Churches of his District be undisturbed; and by showing himself due respect, encourage the Inhabitants of his District regularly to attend Divine Service.

53. The Missionary Establishment at Groene Kloof is to be under the special protection of the Landdrost of the Cape District.

54. He shall pay due attention to all Publications and other Orders of Government, and take care that they are made known with the utmost speed to all Inhabitants of his District.

55. The Landdrost shall, before entering into function, take the usual Oaths in the Colonial Secretary's Office.

*Ordinance for the Administration of the Country
Districts. (1)*

Publication.

JAN WILLEM JANSSENS, Governor and General in Chief, as also the Council of Polity at the Cape of Good Hope, and the Dependencies thereof in South Africa, to all whom it may concern, greeting :

Whereas the increase and prosperity of this Colony materially depend on the increase and improvement of its Produce; that general Civilization and Industry are alone capable of securing such improvement and increase;—that in order to obtain these, a regular and attentive Administration in the Country Districts is indispensably necessary: And whereas the daily increasing Population of this Colony demands, that, in order to derive the greater benefit from the soil, and to secure to the Inhabitants a more permanent prosperity, better defined Regulations should be directed,—the Governor and Council, in pursuance of the benevolent intentions of the Batavian Government, and of the clearly expressed Commands of the Commissary General, Mr. J. A. de Mist, have thought expedient, with respect to the Public Administration of the respective Country Districts, to order, as they order by these presents, the following Regulations and General Instructions.

General Regulations.

ART. 1. The Cape District shall, until otherwise directed, continue to be administered as it has hitherto been.

2. The Country Districts are divided into Five Drostdies, by the names of Stellenbosch, Swellendam, Graaff-Reinet, Uitenhage, and Tulbagh,—of which Drostdies the respective limits have already partly been defined by the Commissary General, the other parts will be defined by the Governor and General in Chief.

3. Each of these Drostdies shall be administered by a Landdrost, who shall be assisted by as many domiciliated Burghers and Inhabitants, by the name of Heemraden, as the Governor and General in Chief shall think necessary in each District. These Heemraden, together with the Landdrost, shall constitute a Board, in order,

according to regular instructions, and assisted by a Secretary, to deliberate and decide upon the concerns of the District.

4. This Board is at the same time invested with Judicial Authority, to award to the amount of a certain sum: it is qualified also to register Marriages, and to have them solemnized before a Committee of the Board. In both these cases the Board shall act where these relate to individuals residing within the limits of its District.

5. Each District is subdivided in as many Field-Cornetcies as the interests and the convenience of the Inhabitants shall require. The Field-Cornets shall execute, within their respective limits, and according to particular instructions, certain parts of the General Administration, and follow the commands of the Landdrost, or of Landdrost and Heemraden. In the Cape District, until further provision shall be made, the Field-Cornets shall receive instructions from the Attorney-General, without prejudice, however, in any case, to the right of the Government immediately to command every Field-Cornet without distinction.

6. The Landdrost, as well as the Board of Landdrost and Heemraden, shall receive their instructions immediately from the Governor and General in Chief, or from the Governor in Council, except only in their judicial capacity, respecting which they shall obey, and follow the Decrees of the Court of Justice, as the Supreme Court of Judicature in this Colony.

7. In Criminal Cases, Landdrosts and Heemraden are subordinate to the Attorney-General, to whom therefore report shall be made of every crime committed within each respective District, in order that the same may be promptly and regularly prosecuted. The Attorney-General, as the first Law Officer, has the right of prevention—when, for instance, he shall have

been the first to arrest or imprison a delinquent, or shall have been the first in taking evidence in the case.

8. The Venduemastership shall hereafter be separated from the Office of Landdrost, and be attached to that of the Secretary of each District, to begin from the first day of January of this present year. With this consideration, that it shall be optional with the Landdrosts, when the Vendue Salary, as before received by them, shall exceed the amount of the Salary hereafter to be determined, to retain the said Vendue Salary instead of the other, which in that case he will relinquish.

9. The Secretaries of the Country Districts shall never be promoted to Landdrosts in the Districts where they act as Secretaries, at the time the vacancy occurs; except when the vacancy occurs by death,—but in all other Districts they shall be eligible, after which, or also should they have been first appointed to any other Office, they can again be appointed Landdrost of their former District.

10. Each Landdrost shall have a fixed annual Salary of *Two Thousand Five Hundred Rix-dollars*, to begin from the first of January of this present year, to be paid as usual, per Quarter, from the Government Treasury. And the Landdrosts of Graaff-Reinet, Uitenhage, and Tulbagh, showing that, from the date of their appointment, to ultimo December 1804, they shall have received from the Vendue Salary less than the amount of their above fixed Salary, the deficiency shall be made good to them.

11. The Landdrosts shall continue to retain their free lodging, the use of the gardens, lands, or cattle places, already attached, or hereafter to be attached to each Drostdy, by order of the Governor in Council, and independent of such fees for attendance, as they have hitherto legally enjoyed.

12. The Landdrost of Stellenbosch, in consideration of the greater number of extraordinary expenses which he is obliged officially to incur, owing to the proximity of the Capital, shall receive annually, in addition to his fixed salary, *Five Hundred Rix-dollars*, also to be paid quarterly. There shall also be at his disposal, in the District Treasury, *Three Hundred Rix-dollars*, as a Compensation, being the interest of the capital for which a certain Place, formerly enjoyed by the Landdrost, was sold, and which capital has been paid into the said Treasury,—in consideration however of his obtaining this compensation, he shall not be entitled to any other Land than what is at this time attached to the Drostdy.

13. The Landdrosts shall not receive any other fines, on account of their judicial capacity, either wholly or in part, than such as are fixed and determined by Law, or are by Sentence awarded to them; all other fines, amounting to *Fifty Rix-dollars* and less, half thereof shall go to the Poor, one quarter to the Under-Sheriff, and the other quarter to the Officers of Justice belonging to the District. All fines amounting to *Fifty Rix-dollars* and upwards, after *Twenty-five Rix-dollars* having been deducted for the Under-Sheriff and Officers of Justice, to be divided into two equal portions between them, the remainder shall be paid into the District Treasury.

14. The Secretaries of the Cuntry Districts shall, in their respective Districts, act as Vendue-Masters, and receive on the proceeds of the sales of all immoveable property, *one half per cent.*, and on the proceeds of moveable property, *two per cent.*, provided they take on their own responsibility all costs and damages, besides giving security to the amount of *Ten Thousand Rix-dollars*, for the benefit of such who may become sufferers by their administration.

15. They shall receive, in addition to the above, and

of free lodging, an annual Salary of *Two Hundred Rix-dollars*, and retain all Fees, as well those arising from Notarial Acts as those from attendance and others, such as have hitherto been legally received by them: under this proviso, that when the average of their income, of three successive years, beginning with primo January of this present year, and afterwards from the day of their appointment, shall amount to less than *Fifteen Hundred Rix-dollars* per annum, the deficiency will be made good from the Government Treasury. And when, according to the same average, the maximum shall exceed the fixed Salary appointed for the Landdrost, the excess shall be paid into the Government Treasury. For this purpose the Secretary shall, on the last day of December of every year, send in, in writing, and on oath, to the Governor and Council, the state and amount of the General Receipts; from these states the Audit Office shall, at the end of every third year, make out how much each Secretary shall have received, either more or less.

16. The fixed Salary of the Secretaries of Stellenbosch and Uitenhage shall commence from the 1st of January of the present year; and in case the Landdrosts of those Districts should prefer to receive the Vendue Salaries from that period, instead of their fixed Salary, then to each of these Secretaries shall be paid, in lieu thereof, whatsoever the Governor and Council shall (in proportion to the allowed *half and two per cent.* after the expenses be deducted) think to be right.

17. The same shall take place respecting the Secretaries of Swellendam, Graaff-Reinet, and Tullagh: But whereas these have been appointed previous to the 1st of January of this present year, and that their Salaries have not yet been determined upon, each of them shall receive, from the date of their respective appointments to the end of December 1804, the sum of *Eighty Rix-dollars per Month*.

18. From the day of the promulgation of these presents, the Secretaries of the Country Districts shall be authorised to act as Vendue-Masters in their respective Districts, after having previously given the security required by Art. 14, to the Landdrosts of their Districts, of which the Landdrosts shall form duplicate Acts, one to remain in the Office of Landdrost and Heemraden, the other to be deposited in the Audit Office.

19. The Country Districts shall be administered by the Board of Landdrost and Heemraden, according to the following Instructions :

Instructions for the Landdrosts of the several Districts. (1)

20. The Landdrost of each Country District receives his appointment immediately from the Governor and General in Chief.

21. The Landdrost represents the Government in all matters resulting from the nature of his Office, from these present Instructions, or from such special orders as he may receive from the Governor and General in Chief, or from the Governor and Council of Polity.

22. He maintains the Authority of the Batavian Government, and is watchful that on no pretence whatsoever the same be infringed.

23. The protection of all Persons, Property, and Possessions, and the welfare and prosperity of the District committed to his administration, must be his chief aim ; and to promote these by direction, instruction, and in particular by example, should be his constant endeavour.

24. To do this most effectually, his first object should be to get intimately acquainted with every Person residing in his District, their names, habits, mutual

(1) Vide Ordinance No. 77, 1830.

relations ; also their Lands, and the nature of the produce these yield.

25. He must pay particular attention to the education of the Children, and facilitate the means of it to every family ; he must encourage the youth to industry by treating the industrious and laborious Farmers with due distinction—representing to them agricultural pursuits, as being particularly honorable to the Individual, and highly beneficial to the Colony.

26. The Aborigines race of this Colony—the Hottentots—must be considered and treated as free People, who have a legal right of residence in the Colony, and who must therefore, the same as all other free People, be protected in their persons, property, and possessions.

27. The civilization of the Hottentots constitutes also one of the objects of the Landdrost's care, he should make it one of the means whereby to promote their happiness, and direct it to the general advantage of the Colony.

28. The different Tribes on the Frontier of the Colony, should always be so dealt with that they can never have any just cause for aggression against the persons, property, or possessions of the Inhabitants ; and when it shall be necessary to repel force by force, then the Landdrost must take care that no excess be committed.

29. In no case, except when unavoidably and without delay, measures of defence must be resorted to against Caffers, Bosjesmans, or other Indigenous Tribes ; and when each individual may be called upon to defend himself and his property ; in no other instances but such as these, shall any violence be used towards these People ; nor in any other way than by Commandos, called out by order of the Landdrost, to do which, in all cases not permitting the delay of awaiting the commands of Government, he is hereby authorised ;—and then the Landdrost shall exclusively

direct the measures, which, according to circumstances, he shall deem expedient.

30. In order to preserve peace with the Indigenous belonging to a regular Chief, should any one or more of them molest the person or property of any of the Inhabitants, and the Landdrost having complained of the same to such Chief, and required satisfaction, and the Chief refusing to attend to it, then the Government, on the representation of the Landdrost, will take such measures as the interests of the Colony shall require.

31. In order to prevent, as much as possible, all cause of dispute with the Indigenous, no Inhabitant whomsoever shall, for whatsoever cause it may be, go beyond the limits of this Colony, without having obtained a special written permission from the Governor and General in Chief, which permission must be registered at the Landdrost's Office of such District on which the Indigenous (such Inhabitant is going to) border, previous to his passing the Frontier. Those Inhabitants who shall act to the contrary hereof, will be prosecuted according to Law, by the Landdrost, the limits of whose District they shall have so passed.

32. The Landdrost acting upon the principle *that this Colony must derive its prosperity from the quantity and quality of its produce*, will endeavour, as much as possible, to impress the importance thereof on the minds of the Inhabitants of his District, and use every exertion to promote it.

33. The improvement of the different breeds of Cattle is intimately connected with the welfare of the Inhabitants, to which, therefore, the Landdrost will pay particular attention; and encourage the forming of artificial pastures, cattle stalls for the winter, and whatsoever else can tend to forward this object.

34. The Landdrost must, for this purpose, endeavour to be well acquainted with every particular tract of

land in his District, so as to know for what particular description of Stock each place is best calculated, and what management is, according to each situation, best adapted for it; by these means he will enable himself, to inform and direct the Inhabitants. Every one who attends to the improvement of his stock, promotes the general welfare of the community, and thence necessarily also his own—and by thus being a deserving subject, contributing to the welfare of his Country, he will, as such, always experience, on the part of the Landdrost of his District, every encouragement, counsel, and support.

35. The Landdrost is most particularly enjoined to encourage, by every means, the exchange of the native Cape Sheep for those that give wool. The ancient records of the Colony shew, that for more than a century past several promising experiments to that effect have been made, and, that the want of proper direction alone is the cause that the Colony remains to this day deprived of that inexhaustible source of prosperity; any further neglect in this particular must therefore be followed by injurious consequences.

36. The Landdrost should also make himself fully acquainted with the Lands intended for cultivation; and ascertain for what sort of cultivation each place within his District is best suited, and what description of produce will best answer upon it,—qualifying himself thereby to point out to every one what method may be most beneficial for him to pursue.

37. Independent of the cultivation of Grain, the Landdrost will encourage the Inhabitants to cultivate all such articles of food calculated to save the consumption of Grain; and such others as may become articles of export; among the latter the culture of the Vine must be more particularly considered.

38. The planting of Timber, and the preservation of

the present Forests, should also be encouraged, as it becomes daily more wanted, both for building and for fuel.

39. The Landdrost is to pay particular attention to the manner of cultivating the Land. He will endeavour, as much by his own application as by conversing with experienced people in his District, to become acquainted with the nature and use of all the Agricultural Implements; and on finding in what manner the same may be improved, either by simplifying them, making them more convenient, or more useful, he will submit his observations to the Commission of Agriculture, who will apply them to the general use of the Inhabitants.

40. The Landdrost will take notice in general, that in proportion as the population increases, so also increases the necessity of confining all Places to their prescribed limits, and to take care that every possible advantage is derived from all such Lands as still remain at the disposal of the Government; and that consequently the greatest care and regularity is to be observed, as much in the granting, as in the cultivation of the Land.

41. To examine therefore the Grants of Places and Erven, either in Freehold or in Loan, is what the Landdrost must rank among his important duties; and, in conjunction with the Heemraden, leave no means neglected whereby strictly to obey the resolutions of the Governor and Council of the 29th of February 1804, and 15th May 1805, which must be considered as if here inserted.

42. The Landdrost must keep an exact record of all Places and Erven in his District, particularly expressing their names, situation, and the names of the Proprietors and Occupiers. And in order to prevent confusion and misunderstanding, each Place and Erf

must have its number, in each District, beginning from No. 1 ; observing as much as possible to make these numbers correspond with the local situation of the Places, &c. according to the direction of Rivers, Chains of Mountains, &c. : in such a manner, however, that the Places belonging to one and the same Field-Cornetcy be as little separated as can be helped. The numbers and folios which these Places have had previous to the forming of the new Books, shall be noted on the margin, opposite to each name.

43. Of these Books or Ledgers, the Landdrost of each District shall, at the latest by the end of the present year, transmit two neat copies to the Governor and Council, of which one shall remain in the Colonial Office, and the other be transmitted to the Receiver of Land Revenue, for the purpose that he may follow the same order in forming his Books of the several Districts, and thence be enabled, without any trouble, to correspond with the respective Landdrosts on their contents.

44. The Receiver of Land Revenue being directed by his Instructions to correct and explain all irregularities and misconceptions now existing, or such as may hereafter exist, with respect to Loan Places and other Lands, all Landdrosts are required, at the requisition of the said Receiver, to give him, in the most expeditious manner, every information and explanation he may stand in need of.

45. The payments of the yearly recognitions for Lands, by whatsoever tenure they may be held, can be made by the several Occupiers, either to the Receiver aforesaid, at Cape Town, or to the Landdrost of the District, who in that case shall first

- a) Immediately write off the amount of the Receipt on his Books.
- b) Give a Receipt to the Payer, clearly expressing therein the Person of whom, the name and situ-

ation of the Land wherefore the recognition has been received, and the exact period up to which the payment is made.

- c) Twice in every year, at the latest before the middle of January and July, to send to the Receiver specific lists of the Persons from whom, and of the names of the Lands for which, the recognitions have been received, adding the pages of the Books, and the number of the Place to which they refer.

46. In like manner the Receiver will send twice in every year at the same periods, viz: before the middle of January and of July, to each Landdrost a specific list, as directed in the preceding Article; according to which list the Landdrost credits on his Books the Account of every Person having paid, and those who shall then be found to be in arrear, shall be called upon for the payment thereof.

47. The Receiver shall moreover, annually, after having closed his Books, send in to the Governor and Council specific lists, distinguishing each District, and stating all such persons who, in the preceding year, have remained in arrear; which lists, after having been examined by the Auditor, and having been found correct, will be sent by Government to the several Landdrosts, who each in their respective Districts shall compare the same with his Books, and such Persons who shall then be found to be in arrears, shall by them be summoned to pay up such arrears; and at the latest, before the end of June report to the Governor and Council such Persons who shall not have made good their payments, stating at the same time, what means have been used by them to enforce the payments,—when the Governor and Council will direct the necessary steps to be taken, in order to compel these unwilling, or neglecting, Persons to make good their payments.

The Landdrost shall be responsible for all such arrears of recognitions, for the payment of which he shall not prove, to the satisfaction of the Governor and Council, to have used the necessary means.

48. The Landdrost shall remit twice in every year, together with the aforesaid lists, viz. before the middle of January and of July, to the Receiver of Land Revenue, the full amount of the Recognitions collected by him, together with the Stamps, &c. ; and the Receiver shall then enter into his Books all such Receipts for Recognitions and Stamps, and pay over to each Landdrost, without any deduction, in proportion to the amount so collected, whatsoever would otherwise by the Resolution of the Governor and Council of the 5th of June last, on account of such Receipts, have justly accrued to him.

49. In case of any Vessel stranding on the Coast, the Landdrost of the District where such takes place, shall immediately report to the Governor and General in Chief, and as speedily as possible repair personally to the spot, and forthwith direct the necessary measures for rescuing the people on board, securing the property, and preserving order ; while he shall have the right of calling on every one whomsoever it may be, and without distinction, to assist him in the same. The Landdrost shall take account of all expenses thereby incurred, and transmit the particulars to the Governor and Council, who will, according to circumstances, determine as to the payment thereof.

50. The Landdrost shall be authorised in those cases, without any consideration, to order such persons as shall have been guilty of plundering, to be apprehended and sent up to Cape Town, in order to be tried before the Court of Justice, according to the Law of the 20th June, 1793. And in case such offender or offenders should be taken in the fact, and the

place where the offence is committed be not farther than one day's journey from Cape Town, it shall be sufficient for the Landdrost to transmit a deposition of the facts to the Court of Justice, who, if they think it advisable, have the power to appoint a Commission from among them, in order, *de plano*, and without any other form of process, to do justice on the spot, and to order the execution of their Sentence.

51. Should a Vessel, not having a special Licence to navigate on the Coast of this Colony, enter any of the Bays, the Landdrost shall not permit any part of the cargo of such Vessel to be landed, till after a permission from the Custom-House, with the knowledge of the Attorney-General, shall have been obtained to that effect.

52. Should, however, any Vessel be forced by stress of weather to enter, disabled, any Bay, and be reduced to such a state, that to await the permission mentioned in the preceding Article, might endanger either ship or cargo, in that case the landing of the cargo shall be forthwith permitted; but care must be taken that under this pretence no contraband goods be brought on shore, or the revenue injured.

53. The Landdrost of Stellenbosch is particularly directed not to permit any Boat or other Vessel in False Bay, whether belonging to any of the inhabitants or to the shipping in the Bay, to sail to the opposite side of Hottentots Holland, nor to any other part of the Coast of his District, except under a special Licence from the Custom-House, on pain of confiscation of such Boat or Vessel, and of all the goods laden therein; or in case of the landing and removal of such goods having taken place, on fine of three times the value of the same.

54. All Landdrosts in their respective Districts, shall have the direction of all Prosecutions for Crimes com-

mitted in their Districts, to bring the same before the Court of Justice, in Cape Town, there to prosecute them according to the Laws of this Colony, and according to the Ordinances on the Mode of Proceeding, dated 9th July 1570 ; or according to such other mode as the Governor and Council shall hereafter direct.

55. He shall keep a Diary of all occurrences in his District, and whatsoever may take place of any consequence, whether in the Country, along the Coast, or were it even beyond his District, he shall immediately communicate to the Governor and General in Chief.

56. In like manner all Criminal Cases occurring within his District, the Landdrost shall forthwith report in writing, not merely to the Governor and General in Chief, but also to the President of the Court of Justice, and to the Attorney General, as both these must always immediately be made acquainted with all Crimes committed in any part of the Colony.

57. He shall conduct all prosecutions which the Board of Landdrost and Heemraden may find necessary to institute, whether on account of the District Treasury or otherwise ; as also defend any suit that may be instituted against them. In extraordinary cases, however, the Landdrost shall not institute any suit, whether on account of the District Treasury or otherwise, without being expressly authorised to do so by the Governor and Council of Polity.

58. In order to carry on his *ex officio* prosecutions in Cape Town, whether Civil or Criminal, he shall be allowed to appoint an Agent, though not at the public expence, provided that the Agent he so appoints, be one of the Advocates practising in the Court of Justice ; or in case of his selecting any other Person, to submit the same for the approbation of the Governor and Council of Polity.

59. He can on his own authority take preparatory examinations. and inquests ; but he is to do so in the presence of Heemraden, or a Committee of the same, in presence of whom he can also examine witnesses,—it being understood, however, that he shall not summon any witnesses who reside in other Districts, without being previously authorised to do so by the Court of Justice.

60. When on the ground of these preparatory examinations he shall see cause for further proceedings, he shall exhibit the said examinations to the Court of Justice, together with a detailed *species facti*, and a summary definition of the crime ; praying at the same time for such a Decree of the Court, whether for apprehension or of summons in person, against the Person suspected, as the nature of the case shall appear to him to require.

61. Without such a Decree of the Court, he shall not summon any one in person, much less order any one to be apprehended, on pain of nullity and compensation of all costs thereby incurred, and such further correction as the Court shall judge necessary.

62. When, however, he shall conscientiously be convinced of their being *periculum in mora*, and that by the previous asking for a Decree the ends of justice might be frustrated, he shall than be authorised to arrest the suspected Person, and to keep him in custody ; which latter he is always obliged to do when a delinquent shall be taken *in flagranti* ; provided always, that in both cases the crime for which he causes the arrest would subject the individual to corporal punishment—that is, a heavier punishment than banishment, and that he report the same forthwith to the Court of Justice, and pray for the necessary Decree.

63. Independent of the foregoing instances, the Landdrost shall be authorised to detain and keep in

custody, without the previous knowledge of the Governor for the time being, or of the Court of Justice, all such Persons who have no fixed place of residence in the Colony, or are not legally authorised to reside therein, and who, without the permission of the Governor or of the Attorney General, wander as vagabonds in his District, also all Deserters without exception. The Landdrost shall, however, without any delay, report in writing, the circumstances of such arrests to the Governor and General in Chief, and to the Attorney General.

64. In cases punishable by fines only, the Landdrost shall not apply for leave to arrest, or to summon in person, but he shall proceed without any previous Decree in the manner now customary, or as shall hereafter be directed.

65. He shall as expeditiously as possible, order all such Prisoners as are to be tried before the Court of Justice, to be transported under safe custody to Cape Town, and report the same to the said Court of Justice and to the Attorney General; and at the same time transmit to his Agent, *in forma probanti*, all the evidence collected by him, as well of the *corpus delicti* as of the collateral circumstances relative to the case, and of all such further particulars as may be necessary to be known; so that without further delay he shall be able to proceed on behalf of the Landdrost as justice shall require.

66. In cases in which Summonses in Person shall have been granted to the Landdrost, as also in ordinary Summonses, he shall cause the same to be served on the Persons so summoned, by the Messenger of the District; and at the same time fix the day of trial, at such a period, that while, on the one hand, no delay takes place detrimental to the ends of justice, on the other, the Persons summoned shall have no just cause

to complain, that sufficient time was not allowed to them for their being, on the day appointed, in Cape Town ; in which latter case, the costs attendant on the serving of the summons must fall upon the Landdrost.

67. The Landdrost shall submit to all the Orders of the Court of Justice, and in particular when he shall be directed by the same to institute a Suit, or join in Proceedings with others ; but on informations received by, or complaints made to him, from any other quarter, requiring or persuading him so to act, he shall not bring any Action, or desist from doing so, contrary to his own conviction.

68. As long as the use of Slaves in the Colony shall not be abandoned, the Landdrost shall consider it amongst his most sacred duties, to watch for the protection of those unfortunate beings. The Government can never tolerate that the title of Property in Human Beings should ever have a tendency towards maltreating them, and therefore most decidedly expect, that all constituted Authorities and Civil Servants will, by their own example, accustom their fellow Inhabitants to consider and to treat their Slaves as their fellow Creatures ; and not suffer that ever any cruelty be practised towards them. And the respective Landdrosts are enjoined, in the strongest manner, to attend to whatsoever can promote the civilization of those people ; and by having moral principles instilled into them, to render them useful members of society.

69. When, however, the Owner of a Slave should make complaints against him, the Landdrost can, if, on having examined the case, he shall find the complaint to be well founded, cause the necessary punishment to be inflicted on the offending Slave, either by temporary imprisonment, not exceeding the period of six months, by corporal punishment, or by putting irons on his legs for a certain determined time. But when it shall ap-

pear, that such a Slave has not merely been guilty of some trifling domestic misbehaviour, or similar offence, but that he has committed a crime punishable by Law, the Landdrost shall then bring the case to the cognizance of the Court of Justice, and proceed as in other Criminal cases it is customary to do; with the exception, however, that with respect to Slaves, no previous Decree of the Court is required.

70. If, however, on the contrary, a Slave should make complaints against his Owner, of any maltreatment, the Landdrost shall first place the complaining Slave in safe custody and then minutely examine the nature of the case, in order that on finding the complaint well founded, he may proceed in the case before the Court of Justice; but if, on the contrary, the complaint should prove to be either frivolous or false, then the Landdrost shall consult with the Owner, in order to have such Slave punished in the manner aforesaid.

71. The Landdrost shall not be allowed, on his own authority, to compound any offence of whatsoever nature, except in minor cases, on which the Law has affixed only the penalty of some small fine, though never for any sum exceeding *Fifty Rix-dollars*, the distribution of which, if not particularly prescribed by Law, shall be directed according to the 13th Art. of these Instructions.

72. In graver cases the Landdrost can compound only with the consent of the Court of Justice, and in presence of a Commission of the Court, after the Court, on a Petition of the offending party, and report thereon by the Landdrost, shall have declared the case to admit of such adjustment.

73. The Landdrost shall receive, keep, and administer all fines, and transmit every three months an account thereof, as also of the several other judicial

expenditures, to the Court of Justice ; which account being examined by the Court, shall be sent to the Governor and Council, in order that the amount thereof may be disposed of as the nature of the several items shall require.

74. In this account shall, however, not be charged any of the expenses hitherto defrayed from the District Treasury, and which must be carried to their annual account ; the nature of which account, as also whatsoever further relates to the financial administration, is to be found in the Instructions for Landdrost and Heemraden.

75. Whenever a defendant, against whom the Landdrost shall have *R. O.* proceeded, shall be condemned in the costs, the Landdrost shall be allowed to charge double salary, at the cost of the condemned, and at the taxation and discretion of the Court of Justice ; but when the costs are allowed to the defendant, then he shall not charge any salary, but neither shall he be obliged to pay any part of the judicial or other expenses.

76. When the Landdrost *R. O.* shall seize any live or other perishable goods, or of which the value might be absorbed by the expenses attending the detention, he shall cause the same, with the authority of the Court of Justice, to be publicly sold and converted into money, but, if the time required to receive such authority would occasion too much delay, then shall the Landdrost, in concert with the Heemraden, with the approbation of the Court of Justice, proceed as stated ; and the proceeds thereof, the Landdrost shall keep in his custody, instead of the goods first seized, until they shall have been judicially disposed of.

77. The Landdrost shall not on his own authority, reveal any secret respecting his Office to any person whomsoever, except to his superiors ; nor even after the closing of any business communicate to any one any

circumstance, which in the course of examinations may have transpired relating to any particular individual, beyond what in the exercise of his duty may be required.

78. The Landdrost shall keep up a regular correspondence with the Attorney-General; and independent of the information to be given to him, as expressed in the 56th and 63d Articles, furnishing him with all such further statements as he may in his official capacity require; and on the other hand, the Attorney-General will communicate to the respective Landdrosts all such information as *in officio* may be necessary to them.

79. The Landdrosts shall also in furtherance of every object of Polity and Justice, mutually correspond with each other, and give to each other every assistance that can tend to promote the interests of their respective Districts; principally as regards the pursuit of deserters, vagabonds, &c. who pass from one District into another; and in all other matters requiring vigilance and dispatch, the Landdrosts are severally enjoined to be proportionably active.

80. When a person accused criminally, shall petition the Court of Justice to be admitted *in submission*, the Landdrost shall be allowed, when he considers the crime charged not to be of a nature absolutely demanding corporal punishment, (that is, on the scaffold,) to submit himself also as Prosecutor to the discretion of the Court.

81. In cases when the Landdrost shall consider to have cause to excuse himself *in officio*, from such or other cause, he is to acquaint the Court of Justice therewith, who will examine the merits of it, and decide accordingly. The reasons set forth by the Landdrost being admitted, he shall address himself to the Governor for the time being, requesting him to appoint such a Person as he shall consider qualified to act in such particular case.

82. If the Landdrost should have any well-grounded reasons for suspecting some individual, either an inhabitant or a stranger, of being dangerous to the public tranquillity or welfare, yet without having cause sufficient to proceed against him, he shall then inform the Governor and General in Chief thereof, and submit to him the grounds of the suspicion, so as to enable him to direct such measures, respecting it, as he shall consider the public interest to require.

83. Whereas the Landdrost may at times suspect, or be informed, that some individual, either through inadvertence, ignorance, or at the instigation of others, should have been induced to commit some crime, misdemeanor, or transgressions of the Laws, he is authorised, and it shall be his duty, to summon such person or persons before him, and in private, without any other person knowing it, caution them against the disgrace or damage that may ensue therefrom, and endeavour to persuade them to desist from such practices; on account of which interference, no suspicion of intended offence shall attach to the Landdrost; nor shall it be considered as affecting the honor or reputation of any individual, should the Landdrost's information prove unfounded.

84. The Board of Landdrost and Heemraden shall meet regularly at Stellenbosch and Tulbagh, on the first Monday in every Month; and at Swellendam, Graaff-Reinet, and Uitenhage, on the first Monday in every Quarter. When the Landdrost shall preside, in order, according to the directions contained in the following Instructions for those Boards, to consider and determine on what relates to the interest of the District its tranquillity and welfare—as also judicially to close all matters of which the judicial proceedings devolve on the Board of Landdrost and Heemraden.

85. The Landdrost shall be obliged to communicate to every Member of the Board of Landdrost and Heem-

raden, in case any one of them should require it, previous to the meeting of the Board, all such proposals as he, the Landdrost means to bring forward.

86. The Landdrost shall have, as Assistants to his Office, a Messenger, an Under-Sheriff, and six mounted Orderlies, paid by the Government, and appointed by the same, at the recommendation of the Landdrost ; he can moreover engage six Police Officers, such as have hitherto been known by the name of Caffers.

87. The said Messenger, Under-Sheriff, Orderlies, and Police Officers, shall execute whatever orders the Landdrost shall, by virtue of his Office, give to them. The Landdrost shall keep them to the exact performance of their duty, and take care that they conduct themselves respectfully towards the Heemraden and the Secretary, and cause no inconvenience to any of the Inhabitants.

88. The Under-Sheriff is, under the orders and directions of the Landdrost, the Overseer of the Prisons, and has the custody of the Prisoners, in his District, he is answerable for their safe custody and maintenance. The Landdrost shall also take notice that the Prisoners are kept clean, and that no other severity be used than what is required for the safe custody of the Prisoners.

89. When the Court of Justice, or the Attorney-General, on account of summonses and other services or the Orphan Chamber or the Chamber for Insolvent Estates, in the execution of their respective administrations, shall severally require any assistance on the part of the Landdrost, he shall forthwith give it, or direct his Field Cornets, Messenger, or other subordinates, to execute whatsoever may be required.

90. The Landdrost shall not prosecute either the Heemraden or the Secretary, for any offence committed by them on account of their respective Offices, neither

while they hold their situations, nor after having resigned them ; but should unexpectedly any such offences be committed by them, he shall then acquaint the Attorney-General therewith, in order that he may act as circumstances shall require.

91. The Landdrost shall diligently watch for the undisturbed exercise of Public Worship of the different Churches within his District, and by his own deportment show due respect for the same, and encourage by every means in his power, the regular attendance of the several Inhabitants of his District.

92. With respect to the Missionaries, the Landdrosts shall observe, in their respective Districts, the Proclamation of the 21st February 1805,—and the Landdrost of Stellenbosch, in particular, shall observe also what is contained respecting it, in the letter of the Commissary-General J. A. DE MIST, dated 22d of March 1804, addressed to the Landdrost and Heemraden of that District, and the Copy of which was communicated to the Governor and Council on the 9th of April following ; both which are to be considered as if they were here inserted.

93. The Landdrost shall take care that the Publications, and other Orders from Government, be, with the most possible expedition, make known to the Inhabitants of his Districts, as also the Sentences against such individuals as have been prosecuted by him, so that both a knowledge of the Laws, and of the nature and execution of the punishment for transgressing them, may be generally acquired, and rendered useful to the encouragement of reverence for the Laws, and create a fear to offend against them.

94. Annually, after the Heemraden shall have been changed, the united Members of the Board shall agree to nominate one among them, who, with the approbation of the Governor and General in Chief, during the

absence of the Landdrost, whether to Cape Town or to any other distant place, is to act for him, assisted by the Secretary, in the discharge of the daily duties of his office.

95. In all extraordinary cases, which cannot, without the Public suffering from it, be delayed until the Landdrost's return, the Acting Landdrost shall not proceed in the same, but with the advice of the Board, which shall for that purpose be expressly convened. Should the selection of an Acting Landdrost not fall on the Senior Heemraad, the Senior shall nevertheless preside, and direct the deliberations of the Board, whether in its ordinary or extraordinary meetings, should such take place during the absence of the Landdrost.

96. The Secretary shall, in these cases, be obliged, *ex officio*, that is without waiting to be called upon, to do so, to give to the Acting Landdrost, as also to the Senior Heemraad, all such informations and elucidations as shall be required in the regular course of business.

97. The Landdrost shall not, either himself, or by means of his Wife and Children, or any one of his household, accept any Presents or Grants from any Person he suspects to have been guilty of an offence, or who stands accused thereof by others; nor from any of the Friends or Relations of such Person; nor from such persons who expect a decision on the part of the Landdrost, or of Landdrost and Heemraden, whether in their favour or against them—however small such Presents or Grants might be, not even of Eatables or Drinkables. And should he suspect any such to have been received by either his Wife or Children, or that even inconsiderately he should receive such Presents, &c. from such Persons, or that such were sent to him, he shall, on discovering the same, immediately acquaint the Court of Justice therewith, and pay the amount of the value of such Presents, &c. in such a manner as the Court shall think proper.

98. Previous to his entering upon the duties of his Office, he shall take the following Oath, in presence of the Governor and General in Chief:

Oath.—"I do promise and swear to be faithful and obedient to the Government of the Batavian Republic, as the only legitimate Sovereign of this Colony, and to the Council for the Asiatic Possessions and Establishments, that I shall show all due respect, regard, and obedience to the Batavian Government of the Cape of Good Hope, that I shall execute the duties of my Office as Landdrost of Stellenbosch and Drakenstein, faithfully and with all zeal and diligence; that as soon as any offence, or suspicion of offence, shall be known to me, which is within my cognizance, I shall, without delay, endeavour to ascertain the truth thereof, and do that which my Office requires; and that I shall proceed therein with all fairness, honesty, and impartiality, without regard to the Accused or his Friends, and without distressing the Innocent; - that in order to obtain my Office I have not given, offered, nor promised ought to any one, nor caused to be given, offered or promised, nor will give, offer, or promise directly or indirectly; nor that such has been done by any one on my behalf; and whenever I shall find that any thing of the kind has been done, I shall immediately acquaint the Governor and General in Chief therewith; and that I shall observe faithfully, and to the best of my abilities, the Instructions already given and those that may hereafter be given; and further, that I shall do whatsoever a good and faithful Landdrost is bound to do.—*So truly help me God Almighty!*"

[*Note.*—The Board of Landdrost and Heemraden having been abolished by Ordinance No. 33—1827 the Instructions for them have been omitted, as also those for the Secretaries of the Country Districts.]

Instructions for the Field-Cornets in the several Country Districts. (1)

211. The extent of the Country Districts does not admit of the Landdrost at all times executing his Magisterial Office in all parts of it. Yet circumstances may daily occur, with respect to the persons and property of the inhabitants, which require the immediate interposition of a Magistrate.

212. In order to provide herein, every District shall be subdivided in as many parts as, according to the population, shall be thought expedient; wherefore it must be observed, that the farthestmost inhabitants of each sub-division, do not live at a greater distance from each other than six hours on horseback. In the more populous Districts the distance may be so far reduced as for the advantage of the inhabitants shall be thought best.

213. In each of these sub-divisions, one of the Inhabitants shall, at the recommendation of the Landdrost, be appointed Field-Cornet, by the Governor and General in Chief, and shall execute such duties as by these Instructions are committed to him.

214. The Field-Cornets must be of good character and reputation; they must have attained the age of twenty-five years, and have resided at least during two years in those parts where they are to be appointed, and there possess either a Freehold Estate or a Loan Place

215. In recommending to the appointment of Field-Cornets, the Landdrost must endeavour, in as much as these necessary requisites admit of it, to name such who live at an equal distance from all or most of the other Inhabitants in their neighbourhood. Where a given

(1) *Vide* Instructions for Field-Cornets published in 1838.—and Ordinance No. 5—1837 : for appointing Assistant Field-Cornets.

circumference is that of a diameter of four or less hours, this need not to be so exactly observed.

216. The situation of Field-Cornet is indispensable to the internal administration; no one, therefore, except those who through bodily infirmity, advanced age, or the like, cannot perform the duties of it, is allowed to refuse doing so.

217. The same causes which justify the exemption from filling this situation, authorise also the Acting Field-Cornets to solicit their being discharged. Among the lawful causes for such an application must, however not be considered the appointment as Heemraad; the situation of Field Cornet being also honorable, and consistent with that of Heemraad.

218. Field-Cornets, while they hold that situation, shall be exonerated from paying the Capitation and Quota Money; as also the duties on Cattle and Sheep. Besides which they shall be allowed a Loan Place, free from recognition; and the weekly Gazette shall also be sent to them *gratis*. The Field-Cornets who do not occupy a Loan Place, will be entitled to receive annually *Twenty-five Rix dollars*, from the Government Treasury.

219. The Field-Cornets, who shall have held that situation during Twenty-five Years, and have received an honorable discharge, shall continue to enjoy the advantages enumerated in the preceding Article, during the remainder of their life.

220. The Field-Cornets must each, in their respective Districts, be considered as subordinate Magistrates; who, in the absence of the Landdrost, represent in his name, the Government—and must be therefore considered and respected as such.

221. On the other hand, Field Cornets must never lose sight, that as Magistrates, they can only have a claim to the regard and respect of their fellow inhabitants,

in so far as they treat them with propriety ; and as they, by their own conduct, set the example of that which they require of others.

222. The Field-Cornets must endeavour to obtain a perfect knowledge of the Lands within their District, and also to be acquainted not only with what the productions of the soil on the different places in their District actually are, but also what other productions the soil is capable to yield.

223. They are also to take particular notice of the conduct and deportment of the different Inhabitants of their District, in order to be at all times prepared to report thereon to the superior Magistrates, when required.

224. As soon as a Field-Cornet is informed of any dispute among the Inhabitants, which might lead to litigations or animosities, he must endeavour to reconcile them, and to settle the matter in dispute amicably between them

225. The Field-Cornets shall never suffer either friendship or enmity, pleasure or displeasure, fear or favor, to influence their official conduct. They would otherwise render themselves unworthy of their situation ; they would themselves become culpable ; and in cases where evil consequences did result therefrom, they might be found guilty of having violated their oath.

226. Should they find themselves placed within the fourth or nearer degree of consanguinity with, or be brother-in-law to a Person against whom they are called to act ; should they be on terms of close intimacy, or on the contrary, of enmity with the same, they shall in such cases acquaint the Landdrost therewith, in order that some other Person may be appointed to perform the duty required.

227. The Field-Cornets are obliged particularly to watch for the maintenance of order and tranquillity in their District, and not to suffer it to be disturbed by any one.

228. All Laws, Proclamations, Ordinances, or other Instructions, expedited by, or on the part of, the Government, for the use of the Country Districts, shall be communicated to the respective Field-Cornets, in order. by each of them in their respective Districts, to be promulgated among the Inhabitants, by whom it is their duty to see that they are punctually obeyed. The Field-Cornets must endeavour, by example and exhortation to promote obedience to the same; and they shall, without delay, report to the Landdrost those who offend against them.

229. Independent of the General Laws, Proclamations, Ordinances, and other Instructions of the Government, the Field-Cornets generally receive the necessary orders, in the Cape Districts from the respective Landdrosts, or from the Landdrosts and Heemraden, without prejudice to what, by Article 5 of these Instructions, has been reserved.

230. The Field-Cornets shall respect and obey, and cause to be respected and obeyed, all Decrees and Mandates of the Court of Justice; and also with exactness and speed, give all such information to the Attorney-General as he may require in criminal cases. The last part has no reference to the Cape District, within which the Field-Cornets are at all times obliged to attend to the requisitions made by the Attorney-General.

231. Every Field-Cornet must keep an exact Register of all the Inhabitants of his District, above the age of sixteen years. This Register is, in the first instance, to be formed from personal examination; and after that every Youth on having attained the age of sixteen years, shall be obliged immediately to report himself to the Field-Cornet, in order to be entered upon the Register.

232. The Male population, in each District, shall be divided into *three Classes*—the first, from *Sixty to Thirty*; the second, from *Thirty to Forty-five*; the third, from *Forty-five to Sixty Years* of age. This classification,

the Field-Cornet must attend to in calling out Commandos, and observe in each class to call for personal service,—first, upon single men, in preference to those who are married, and on those who have no particular vacation or pursuit, in preference to those who have. Those Persons who have attained the age of sixty years, are exempt from all personal service, except in case of extreme necessity.

233. From these registers the Field-Cornets of the Cape District shall form and transmit to the Attorney-General, in the month of October, a list of such Youths in their respective Divisions, as shall have attained the age of sixteen years; the several other Field-Cornets in the other Country Districts shall in their respective Divisions do the same, and transmit their lists to their Landdrosts, in order that these Youths may be entered on the Quotization Rolls.

234. The Field-Cornets shall erase from their registers all such persons who have died—wherefore, all heads of families are obliged to report, or cause to be reported, in writing, to the Field-Cornet of their District, within *forty-eight hours*, the death of any individual who shall have died in his family above the age of sixteen years, on pain of being fined Twenty-five Rix-dollars.

235. Independent of the foregoing, should any individual meet with an untimely death, either by his own hands, through violence committed on him by others, or by accident; in such cases the body shall not be buried before the Field-Cornet of the District, or, if in the vicinity of the Drostdy, the Landdrost, after having taken a proper Inquest, shall permit the burial to take place—on pain of arbitrary correction according to circumstances.

236. No Corpse of Hottentots or of Slaves shall at any time be buried, *from whatsoever cause they may*

have died, without the permission of the Attorney-General, of the Landdrost, or of the Field-Cornet, according to the local situation of the place where the death may have occurred, shall first have been obtained : in order that, if necessary, such Corpse may be inspected —on pain of a fine of *Twenty-five Rix-dollars*, besides the legal prosecution in case it should be found that any violence had been committed on a body of such Hottentot or Slave thus buried without the required permission.

237. As soon as a Field-Cornet shall be informed of any crime having been committed in his District, he is immediately to report it to the Landdrost, and he shall endeavour to obtain every information as to the particulars that have attended it.

238. In case of Murder, Burglary, and other crimes, of which traces are to be found, the Field-Cornet shall immediately repair to the place where such crime has been committed ; and when such place is at a greater distance from the Drostdy than *six* hours, with a horse waggon, the Field-Cornet shall in the presence of two Witnesses, to be expressly summoned by him for that purpose, minutely investigate and note down every particular he can discover, and ascertain what persons can be called upon as Witnesses in the case.

239. In examining the Corpse, the Field-Cornet ascertains whether the death has been occasioned by some external violence ; and if so, what are the marks to be found on the body ; by what instrument inflicted ; how long, after the injury received, the deceased has still continued to live ; whether near the spot where the crime has been committed, any thing is to be found, or to be observed, that appears to have any connection with the transaction.

240. If the person who has been wounded be still alive when the inspection takes place, the Field-Cornet

shall then, besides the inquiry as to the nature and cause of the wounds, endeavour to learn from the person wounded, the particulars of the case, and by whom he has been wounded.—At the inspection mentioned in this, and the foregoing Article, the Field-Cornet shall be attended by a Medical Man, if such can be found in his District, who shall be obliged, in consideration of the remuneration he receives for his attendance, as specified by the 158th Article, to perform this service without any opposition, on pain of arbitrary correction.

241. In the case of Burglary, or similar crimes, the Field-Cornet shall examine minutely all the apparent marks of violence, and endeavour to discover by what instrument it has been effected. Should the Burglary be attended with Theft, this is also to be minutely inquired into. In all other cases the spirit of these instructions is to be attended to.

242. Of all such inspections, the Field-Cornet is to keep a written account, containing, as clearly as he can state them, all the particulars that have occurred to him; which written account must be signed by himself and the two Witnesses who have attended him, and be forthwith transmitted to the Attorney General, or the Landdrost, to be afterwards produced at the trial, as being the Report of the Inquest.

243. When the place where the inspection is to take place is at a shorter distance from the Drostdy than six hours with a horse waggon, the Field-Cornet shall then not take the inspection, but only take care that the *corpus delicti* remains in the same state till the Judicial Commission arrives, or that he receives a written order from the Attorney General, or from the Landdrost, to proceed with the inspection, when he shall act as before directed.—This order does not prevent, however, the dressing of wounds, or the performance of such operations as would be dangerous to be delayed.

244. Without a decree of the Court of Justice, or an order from the Attorney General or Landdrost, respectively, the Field-Cornet shall not arrest any one, unless he should take any one in the act of committing such a crime as is usually punished with death or corporal punishment; or if a person should surrender himself as having committed such a crime.—Immediately after the Field-Cornet shall have apprehended an offender, he must send the prisoner either to Cape Town or to the Drostdy, according to the situation of his District.

245. From this regulation, are however excepted, all Vagabonds and Strangers who are found in his District without leave, and without being known either to himself or to the other Inhabitants; Deserters, either of the Army or Navy; as also Hottentots and Slaves suspected of having committed some crime. All such persons the Field-Cornet is hereby authorised and directed, without waiting for any further orders, to take into custody, and to send either to Cape Town or to the Drostdy of his District.

246. The Field-Cornet shall send the prisoners under sufficient guard to the Field-Cornet next on the road, who is bound to receive the prisoners, and in like manner to forward them on, and so in succession until they arrive at the place of their destination.

247. And in case that on the road by which the prisoners are to be conducted no other Field-Cornet resides, then shall the Field-Cornet who has arrested the prisoners, or the one to whom they are delivered over, send the prisoners on to the next Inhabitant, although not a Field-Cornet, who shall, as also the other inhabitant next in succession, be obliged to receive the prisoners and forward them on, until they reach the place of their destination, without any distinction, and whether such Inhabitants residing along the road belong to such

District and Field-Cornetcy or not. The Officers of Justice, or such other to whom the prisoners are finally to be delivered over, are to take particular notice that this regulation has been strictly obeyed.

248. All Burghers and Inhabitants of this Colony are at liberty, unless particularly forbidden, to change their places of abode as frequently as they like, provided they acquaint the Landdrost and the Field-Cornet of the District, where they take up their residence, therewith.

249. On the other hand, no one, not being a Burgher, nor having a Licence to reside in this Colony, shall establish himself in any of the Country Districts, either as Schoolmaster, Tradesman, Servant, or under any other denomination, without being provided with a written permission from the Government, which he shall be obliged to produce, not only to the Landdrost, but also to the Field-Cornet of the District where he means to reside.

250. When any one, not being a Burgher or Inhabitant, should keep himself in any of the Districts, without having a written permission to that effect, as also if any one should not have produced the permission obtained by him, the Field-Cornet of such District shall take such Person in custody, and send him to the Attorney-General, or to the Landdrost, to act respecting him, as circumstances may require.

251. And in order to prevent as much as possible all irregularities in this case, no one shall be permitted to harbour any Stranger who is not a Burgher or Inhabitant, much less to take him into his service, unless such Stranger be provided with a written permission from the Government, the Attorney General, or from the Landdrost of the District, on pain of fine of *Fifty Rix-dollars*.

252. No Field-Cornet shall, on his own authority,

summon the Inhabitants to meet armed, without special orders from the Landdrost; except, however, when the Field-Cornet shall have received information, that a number of Deserters, run-away Slaves, or other Vagabonds, are in his District, when he shall not only be authorised, but obliged, immediately to call out the necessary number of men, in order as soon as possible, to follow and secure such persons.

253. In such case the Field-Cornet shall immediately report the same to the Landdrost of the District, and acquaint also the next Field-Cornets with the particulars, who shall be obliged, whenever required, to assist him with the armed men of their own Districts. In the Cape District the Field-Cornets stand, till further orders, in the same relation with respect to the Attorney General, as in the other Districts they do with respect to the Landdrosts of their respective Districts.

254. The Field-Cornets shall report all extraordinary occurrences not herein mentioned, to the Attorney-General, or to the Landdrost of the District; and whereas every possible occurrence cannot be foreseen, it is recommended to the discretion of every Field-Cornet, in cases when the delay occasioned by the time required for making the report, and to receive orders, might be attended with injurious consequences to the Public, or to Individuals, in such cases immediately to check the evil, and if necessary, to oppose it by force.

255. Whenever in any of the Bays, or otherwise on the Coast, one or more Ships come to an anchor, the first Individual who may observe this, shall forthwith report it to the Field-Cornet of the District near which it takes place, on pain of arbitrary correction, according to circumstances.

256. The Field-Cornet, being by this or any other

means informed thereof, shall, without loss of time, report it to the Landdrost of the District, and in the mean time prevent any one going on board of such Ship or Ships, until orders shall have been received from the Landdrost.

257. In case a Boat should come on shore from such Ship, the Field-Cornet shall inquire what Nation such Ship belongs to; the name of it; the name of the Captain; what number the Crew consists of; what the Cargo of the Ship may be; from whence she comes; whither she is bound; how long she has been out from the last Place she touched at; why she has anchored; whether the Crew is healthy; if not, what malady there is on board; and whatsoever he may be further able to learn.

258. When the Field-Cornet finds that such Ship does not belong to the enemy, and has been obliged to make the land through want of provisions, he shall acquaint those who have landed, that, until orders have been received, no communication is allowed to be had with the Ship; requesting them, that on their part also, no communication will be had with the Shore,—but in the meantime he shall be allowed to supply the Ships, from day to day, with such provisions as they may most stand in need of.

259. He takes care that on such occasions no goods of whatsoever description are landed; and that the Sailors do not stroll away from their boat. And should he suspect that any contagious disorder is on board, he shall then not even suffer them to land, but have every thing they want handed to them from the shore.

260. But whenever any Ship or other Vessel should enter any of the Bays in such distress, that to await for the orders from the Landdrost might endanger either the Ship or Cargo, the Cargo, may then forthwith be landed;—but the goods so landed must

then remain under the joint care of the Field-Cornet and of the Owner, without being further disposed of until orders from the Landdrost shall have been received, and that the precautions directed by the 52d Article be resorted to.

261. But when the Field-Cornet has the least suspicion that such Ship or Ships belong to the Enemy, he shall then, besides his report to the Landdrost, take care, without awaiting any orders, that all the Cattle in the neighbourhood be immediately driven inland, and that all other Articles of Provision which cannot be removed, be forthwith destroyed. All those Inhabitants who shall herein strictly obey the directions of the Field-Cornet, shall receive a reasonable compensation for the losses they may thereby sustain: and on the contrary, those who shall be unwilling to obey the said directions, shall be punished according to circumstances—even with Death.

262. Whenever any Vessel is cast on any of the shores of this Colony, the person first discovering it shall forthwith acquaint the Field-Cornet therewith, who shall also immediately report it to the Landdrost, in order that whatsoever is directed by the 49th and 50th Articles may be executed.

263. The Field-Cornet shall, until the Landdrost arrive at the place where the Vessel is stranded, endeavour as much as possible to save the persons and Property; he is to take care that the People do not stroll into the Country, and that none of the Property be removed until the Landdrost shall have arrived. For this purpose, the Field-Cornet shall order in time a sufficient number of men; and if necessary, call in the assistance of the neighbouring Field-Cornets.

264. One of the most effectual means to promote internal trade and civilization, is a regular and safe inland communication: the Field-Cornets shall take

particular care, therefore, to establish this, and to convince the Inhabitants of its importance, and consequently prevail upon them to contribute their means towards it.

265. The Field-Cornets are to take care that whatsoever Letters or Papers addressed to the Government, the Court of Justice, the Attorney General, or the respective Landdrosts, or to other Public Officers or Civil Servants, which may be in the possession of any of the Inhabitants, be forwarded by them with the most possible speed. Wherefore, the Proclamation of the Governor and Council of the 11th of January, 1804, to be found in the *Gazette* of the 21st next following, must be considered as if here inserted.

266. When in the Cape District the Attorney General, and in the other Districts the Landdrost or the Landdrost and Heemraden, should direct the Field-Cornets to inquire whether any Lands can be granted, either in Freehold, Quitrent, or on Loan, the Field-Cornet whom it may concern shall, attended by two unimpeachable Witnesses, proceed in the inquiry, not only with the strictest impartiality, but with the utmost exactness in his power.

267. On inspecting the Land asked for as a Loan Place, the Field-Cornet begins (the Applicant having pointed out the Land) by fixing a middle point, and ascertains whether, in every direction from it, the extent of half an hour can be allowed without touching on the Freehold, Quitrent Land, or Loan Right, of others, or on any Government Land reserved for *Uitspan* Places, or other public uses. Finding this to be the case, he proceeds to examine the situation and bearings of the said Land, the mountains, rivers, and other conspicuous features, either within the limits of the Land asked for, or touching upon it; and after having examined all such Persons who may be interested in the

disposal of the Land asked for, he must report all the particulars in writing to the Authority by whose direction he has acted—at all times expressly specifying what produce the Land asked for is best suited to yield.

268. Should the Land asked for as a Loan Place not admit of the above extent, it shall not on that account be considered as inadequate; but the Field-Cornet shall ascertain the grantable extent on all sides with accuracy, and report the same, together with the particulars specified in the preceding Article, in writing, when the Government will determine on the expediency or in expediency of the grant asked for.

269. In all other cases respecting the inspection of Lands, the Field-Cornets shall follow, as closely as possible, the Resolutions of the Governor and Council of the 29th February 1804, and 15th May 1805.

270. The Field-Cornets shall watch attentively, that no roving People keep themselves in their Districts with their Families and Cattle. On discovering such People in their Districts, they are immediately to report it to the Landdrost, and to order them forthwith to depart. The Field-Cornets shall in particular not suffer the *Uitspan* Places to remain occupied longer than *twenty-four hours* at any one time by the same persons, unless the swelling of a river, or other unforeseen circumstance, should prevent their proceeding.

271. When the Field-Cornet is informed of the firing of an Alarm Gun, he shall forthwith dispatch a trusty person to the next Signal Post, to watch that the Signals be properly repeated.

272. At the same time he is to take care that all such persons belonging to the Armed Burghers, or any other Corps, and who at that period are within his District, do forthwith repair to their respective posts; and he shall give the necessary orders for the preservation of the peace, and when required, to render such other services

as circumstances may demand, according to the Resolution of the Governor and Council of the 20th March, 1805.

273. The Field-Cornets, each in their respective Districts, shall pay attention to the improvement and repairs of the Public Roads, and particularly obey, and cause to be obeyed, the orders they may receive respecting them, or which the Proclamations and Ordinances prescribe to them.

274. The Field-Cornets shall mutually correspond with each other in all matters in which their several Districts have a common interest; and they shall endeavour to assist one another in all things tending to promote the welfare of the Colony.

275. Whenever a Field-Cornet goes beyond the limits of his District, whether to Cape Town or elsewhere, he must appoint one of the most able Inhabitants of his District to act for him, who shall be obliged to do so during his absence; and in all things to conform himself to whatsoever is contained in these Regulations, for which he will be held responsible,

276. A Field-Cornet intending to remove to another District, shall be obliged to acquaint the Attorney-General, or the Landdrost to whose District he belongs, therewith, in order that another person may be appointed to succeed him. And the retiring Field-Cornet, in such or any other case, shall give up to his successor all books and papers belonging to his situation, including these present Instructions.

277. The Field-Cornets shall not, either themselves, or their wives, children, or inmates in their families, receive any presents or gifts from any one who, on account of the Field-Cornet's situation has any thing to hope or to fear of him.

278. The Field-Cornets shall, previous to their entering on the duties of their situation, take the following Oath; in the Cape District before the Attorney-Ge-

neral, and in the other Districts, before Landdrost and Heemraden of the District to which they severally belong.

Oath.—" I do promise and swear to be faithful and obedient to Government of the Batavian Republic, as the only legitimate Sovereign of this Colony, and to the Council of the Asiatic Possessions; that I shall shew all due respect, regard, and obedience to the Batavian Government of the Cape of Good Hope; that I shall strictly follow and obey the orders of the same, and of the Local Authorities of the District to which I belong; that I shall acquit myself of the duties of my Office, of Field-Cornet, faithfully and diligently; that I will not be deterred from doing so by love or hatred, affection or disaffection. That in order to obtain this Office I have neither given nor promised, nor will promise or give any thing directly or indirectly; that according to the best of my abilities I shall faithfully observe and follow the instructions already existing, and those that may hereafter be given to me; and that I shall conduct myself in all things as an honest Field-Cornet is bound to do—*So truly help me God Almighty!*"

*Instructions for the Under-Sheriff⁽¹⁾ and subordinate
Officers of Justice in the respective Country
Districts.*

298. In every District the Landdrost shall, as by the 6th Article of these Regulations has already been directed, in his Office, have the assistance of an Under-Sheriff, six mounted Orderlies who shall henceforward be called Police Orderlies, and six inferior Attendants, hitherto denominated Caffres.

299. The Under-Sheriff and Police Orderlies are, at the recommendation of the Landdrost, appointed by the

⁽¹⁾ *Note.*—This is a bad Translation of the word "*Onder Schout*" which means "*Gaoler*."

Government; and the inferior Attendants can, with the approbation of the Government, be engaged by the Landdrost.

300. The Under-Sheriff shall, independent of free lodging in a District Building, and of the emoluments he has hitherto enjoyed, receive from Government a fixed annual Salary of *Three Hundred and Sixty Rix-dollars*; each Police Orderly *Fifteen Rix-dollars* per month; and each inferior Attendant *Five Rix-dollars* per month. The clothing and maintenance of the two last must be paid for by the District.

301. These subordinate Officers are under the immediate orders of the Landdrost, who is to keep them strictly to their duty; to take care that they shew every due respect to the Heemraden and Secretary; and that they cause neither trouble or molestation to the Inhabitants.

302. It is the duty of the Under-Sheriff to observe that the Police Orderlies, and inferior Attendants, do their duty, and are vigilant in preserving the peace, and in assisting the Inhabitants when required.

303. The Under-Sheriff shall, in public, always carry a stick and sword; and the Police Orderlies and inferior Attendants, when on duty, shall always wear a particular dress, and also be armed with a stick and sabre.

304. The Landdrost must so distribute the duties of the Police Orderlies and inferior Attendants, that one part are constantly employed in patrolling, another part in guarding and taking care of the Prisoners, while the remainder must at all times be in readiness to be employed whenever required.

305. The Patrols are made by the Under-Sheriff and two Police Orderlies, or two inferior Attendants, or by a Police Orderly and two inferior Attendants—the latter never patrol without having a Police Orderly at their head.

306. On Sundays, during Divine Service, one Police Orderly and an inferior Attendant, are to be on duty at the Church, to prevent all irregularities; while one Police Orderly, and two inferior Attendants, patrol through the village.

307. The Under-Sheriff shall prevent *the crowding together of Slaves, and particularly their gambling and fighting;—he shall take care also, that the Taphouses are shut at a regular hour; that no improper games are played in the same; that the Farmer of such houses be duly assisted in tracing Smugglers; that the Streets are kept clean; that no horses or oxen are let loose in them;—in short, that all local regulations prescribed to him by the Landdrost be punctually obeyed.

308. The Under-Sheriff and Police Orderlies are authorised to take into custody, without awaiting any orders, all such Slaves who misbehave in the streets, and who do not attend to remonstrances; or if necessary, personal correction respecting it.

309. Hottentots and Free Blacks, or other persons of the same class, committing any irregularities in the streets, can only be remonstrated with; but which, if they disregard, they shall in like manner be taken into custody.

310. When any such irregularities are committed by Burghers of the District, or any known Inhabitants, then shall the Under-Sheriff and Police Orderlies expostulate with them; but should this not be attended to, they shall report it to the Landdrost, in order that he may take the necessary measures.

311. When the Under-Sheriff and Police Orderlies shall surprise any Inhabitants of this Colony in the act of committing Murder, Manslaughter, Rape, Arson, Burglary, or the like Capital Crimes, they shall forthwith take such Delinquents into custody.

312. The Under-Sheriff and Police Orderlies shall, in all such cases, conduct themselves with temper and

propriety, yet steadily and with firmness; while they execute their duty in such a manner, they will be strongly supported, but should they in any way deviate from it, or insult any one, they will be severally punished.

313. The Under-Sheriff has the immediate care of the Prisoner and Prisons; he shall take care that the Prisons be kept clean; that, from time to time, by white-washing the walls, burning of gun-powder, sprinkling of vinegar, and the like, the air-within be purified; that good and wholesome provisions be given to the Prisoners; that Criminal and Civil Prisoners be kept separately; that the sick be also separated from those who are well; and the Men separated from the Women; as also Europeans and other free People separate from Slaves;—he shall further take care that they be well guarded.

314. The Under-Sheriff shall keep an exact Register of all the Prisoners, specifying their names, the places where they are born, and if Slaves, the names of their Masters, the day when committed to prison, and the crimes they are charged with.

315. On a Prisoner being brought in, the Under-Sheriff shall search whether he has any arms or other dangerous instruments about his person, and if so take them from him. Of these, as also of every other article in the possession of the Prisoner, he shall take an exact account, which the Prisoner, if he can write, must be made to sign.

316. The Under-Sheriff shall not cause a Slave to be punished, put in irons, nor even, as a punishment to be kept in custody, without the order of the Landdrost; having received an order to that effect, he takes care the punishment directed be not exceeded, on pain of arbitrary correction, according to circumstances.

317. No one shall be permitted to visit Criminal Prisoners, without the express permission of the Land-

drost, and which permission being obtained, the Under-Sheriff shall take care that no arms, nor any injurious article, be conveyed to the Prisoners, on pain as before.

318. The Prisoners are to be put in irons every evening, those only excepted who, on account of age, infirmity, sickness, or otherwise, are exempted from it by the Landdrost's order.—The Under-Sheriff shall be held personally responsible, in case any Prisoner escapes through his not attending to the above Regulation.

319. The Under-Sheriff shall take care that the Prisoners be properly treated by the Police Orderlies and inferior Attendants, that these do not speak to them roughly, much less use insulting or abusive language; any of them so doing, shall be severely flogged by his comrades.

420. No wine nor strong liquors shall be given to the Prisoners, except when the Landdrost permits the same, as necessary to their health, but which then shall be very moderately administered. The Under-Sheriff shall prevent every means of intoxication to the Prisoners; he shall take care that no indecencies are committed in the Prison; and that no gambling, nor any recreations from which disputes may arise, are allowed.

321. Burghers and Inhabitants, as also all Europeans, and other like Prisoners, shall be attended and assisted by the Police Orderlies; for other Prisoners, the inferior Attendants can be employed.

322. The Under-Sheriff shall not require nor receive more for the locking and unlocking, punishment and maintenance of the Prisoners, than what the Governor and Council have appointed, on pain of losing his situation, if directly or indirectly he shall act to the contrary hereof.

323. When a runaway Slave shall be taken, the

Under-Sheriff must acquaint the Master of such Slave therewith as speedily as possible, on pain of being made responsible for all damages which may result from the neglect of it.

324. The Under-Sheriff shall report every day, at the hour which the Landdrost may appoint, whatsoever relates to his Office, and at the same time deliver a List of all the Prisoners under his care, particularising any new occurrence that may have taken place since his last preceding report. All unusual occurrences the Under-Sheriff must forthwith report.

325. On entering upon his Office, the Under-Sheriff must produce security for the amount of *Five Hundred Rix-dollars*, to the satisfaction of the Landdrost and Heemraden, in order to meet any loss or injury any one may sustain through his fault or neglect; this security shall, however, not remain in force longer than by Art. 294 has been directed with respect to the Messenger.

326. In case of Fire, stranding of Ships, the approach of an Enemy, and in all other cases not mentioned in these Instructions, the Under-Sheriff shall, immediately on being informed of them, repair to the Landdrost, to receive his commands, and execute the same with judgment and dispatch.

327. In the absence of the Landdrost, the Under-Sheriff shall receive orders from the person who acts for the Landdrost; and he being absent also, then from the Secretary.

328. The Under-Sheriff, previous to his entering on the duties of his Office, takes the following Oath before the Landdrost and Heemraden :

Oath.—"I do promise and swear to be faithful and obedient to the Government of the Batavian Republic, as the only legitimate Sovereign of this Colony, and to the Council for the Asiatic Possessions and Establish-

ments ; that I shall show all due respect, regard, and obedience to the Batavian Government of this Colony, and to the Landdrost, and to the Board of Landdrost and Heemraden ; that I shall strictly obey and execute the orders of the Landdrost regarding my Office, and cause the same to be diligently obeyed and executed by the Police Officers under me ; that I shall faithfully attend to the instructions already given, and such as may hereafter be given to me ; and further, that I shall do whatsoever a watchful and faithful Under-Sheriff is bound to do.—*So help me God Almighty !*"

After the publication of these presents, all Placards, Ordinances, and Customs, contrary thereunto shall cease, being hereby abrogated and annulled.

Order and direct the Court of Justice, the Attorney-General, the respective Landdrosts, as also the Boards of Landdrost and Heemraden, and all whom it may concern, to obey this Publication, and to cause the same to be obeyed, having considered it expedient for the interests of the Colony that it should be so.

And in order that no one shall plead ignorance hereof, the same shall be published and affixed in the usual manner.

Thus done, by Governor and Council, at the Cape of Good Hope, in South Africa, on the 23d of October 1805, and published on the 24th following.

Governor and Council aforesaid,

J. W. Janssens.

By Order of the same,

J. A. Truter, Sec.

*Proclamation by His Excellency Du Pré, Earl of
Caledon, Viscount Alexander, and Baron
Caledon of Caledon, &c. (1)*

WHEREAS it has been represented to me, that Accidents frequently happen and that great danger is incurred, especially in the night-time, from the negligence or misconduct of the Drivers of Carriages, and particularly of Bullock Waggons passing backwards and forwards from and to the Country and Cape Town: Now, in order to provide for the safety of the Traveller, as well by night as by day, and that proper order and regularity may be observed, not only in the streets and lanes in this Town, but likewise throughout all the different roads of the Colony, I do hereby Order and Command, that from and after the date and publication of these presents, the following Regulations shall be strictly observed.

1. All persons whatsoever residing in Cape Town, or in the District of the Cape, or possessing either Cart or Waggon; to wit, those residing in Cape Town or District, Simon's Town included, and also those residing in the environs of the Drostdy of Stellenbosch to three hours' distance, shall, within the space of one month from the date hereof, and the remainder of the said Inhabitants before the end of the month of August give in to the Fiscal, or the Landdrosts of their respective Districts, their Names, and likewise how many Carts or Waggons they possess, in order that the same may be registered, and that they may receive a Certificate upon a Stamp of six Stivers for each Wagon, that the orders herein contained have been duly complied with, in default of which a fine of 20 Rds. shall be levied on the offender.

The same Regulation is to be observed by the Inha-

(1) *Vide Ordinance No. 79—1830.*

bitants in the Districts of Swellendam, Graaff-Reinet, Uitenhage, and Tulbagh, with this difference only, that the time for giving in the Return of their Carts and Waggons, together with their Names, is extended to four months.

2. And in order that the utmost regularity may be observed by the Drivers of all such Carts and Waggons, and likewise by those of all sorts of Carriages whatsoever,—I do hereby command and direct, that henceforth all Carriages of every denomination, whether drawn by horses or by oxen, shall keep on the left-handed side of the road or street, giving always the right-hand to the Carriages they meet; and should any damage be made to either Carriages, Cart, or Wagon, whilst on its proper side of the road, by another out of its place, then, and in that case, the Owner of such Carriage, Cart, or Wagon, shall not only repair and make good the injury sustained, but likewise, in case of refusal, be obliged to pay a fine of 20 Rds. for having offended against the Law.

3. And for the better and more easily distinguishing who the Proprietor of each Cart or Wagon is, I do further command, that at the same time they receive their Certificates from the Fiscal, or their respective Landdrosts, they shall also receive a Number, which Number the Proprietor of such Wagon or Cart shall cause to be painted in white figures of at least one inch and a half in length, on a black board one foot square, together with the Owner's name, and the name of the District in which he resides,—which board shall be placed on the right side of each Cart or Wagon, and any Cart or Wagon appearing on the highways of this Colony, or in the streets of this Town, after the time herein specified, without such public mark upon it, the Owner thereof shall be liable to a fine of 50 Rds.

4. And as every Man is supposed to have the power

of commanding his Servant or Slave, so is he here considered as responsible for their conduct, and likewise for their paying due attention and obedience to the Orders and Regulations herein contained; he should therefore give strict injunctions to them to be careful not to offend, as he himself will be liable to the penalty incurred by their neglect.

5. In order to prevent any accidents happening to those returning to Town after sun-set, from the number of Bullock Waggons that begin their journey about that hour, I do strictly order and command, that all Waggons drawn by Bullocks shall pass through the Castle on their leaving the Town, and pursue the Road called the Summer or Lower Road; and any such Bullock Waggon that shall be found on the Upper Road on this side of Roode Bloem, when, on their way to the Country, the Owner thereof shall pay a fine of 20 Rds.

And I do strictly prohibit and forbid any Waggon drawn by Oxen from appearing in the streets of this Town, or within two miles thereof, without having a person leading the foremost pair, as has always been an established Regulation in this Colony, under the penalty thereunto affixed. The penalty shall also be strictly levied upon all Carters who shall crack their Whips in passing through the Town, contrary to the former orders.

And it is hereby directed, that this Proclamation shall be published and affixed in the usual manner.

Given under my Hand and Seal, at the Cape of Good Hope, this 23d day of June, 1809.

(Signed)

Caledon.

By His Excellency's Command,

(Signed)

H. Alexander, Secretary.

*Proclamation by His Excellency Du Pré, Earl of
Caledon, Viscount Alexander, and Baron
Caledon of Caledon, &c.*

WHEREAS His Majesty being duly authorised by an Act passed in the present Session of Parliament, has been graciously pleased to take into His Royal consideration the state of the Trade of this Colony, and to pass an Order in Council for the better regulation thereof: These are to make known to all and every one, the following Copy of the said Order in Council, given at the Court at the Queen's Palace the 12th of April 1809.

Whereas by an Act passed in the present Session of Parliament, intituled "An Act to authorise His Majesty, during the present War, to make Regulations respecting the Trade and Commerce to and from the Cape of Good Hope," it is enacted, that from and after the passing of the said Act, it shall and may be lawful for His Majesty, by and with the Advice of His Privy Council, by any Order or Orders to be issued from time to time, to give such directions, and make such Regulations touching the Trade and Commerce to and from the said Settlement, and the Territories and Dependencies thereof, as to His Majesty and Council shall appear most expedient and salutary, any thing contained in an Act passed in the Twelfth Year of the Reign of His Majesty King Charles the Second, intituled "An Act for encouraging and increasing of Shipping and Navigation," or in an Act passed in the Seventh and Eight Years of the Reign of His Majesty King William the Third, intituled "An Act for preventing Frauds, and regulating Abuses in the Plantation Trade;" or any other Act or Acts of Parliament now in force, relating to His Majesty's Colonies and Plantations, or any other Act or Acts of Parliament, Law, Usage, or Custom, to the contrary

notwithstanding; His Majesty is hereby pleased to order, by and with the Advice of His Privy Council in pursuance of the Powers vested in His Majesty by the above recited Act, and it is hereby ordered, that it shall be lawful, until further orders, for all Ships and Vessels belonging to the Subjects of any Country or State in amity with His Majesty, to enter into the Ports of the said Settlement of the Cape of Good Hope, and of the Territories and Dependencies thereof, and to carry on Trade and Traffic with the Inhabitants of the said Settlement and of the Territories and Dependencies thereof, and to import and export to and from the Ports of the said Settlement and of the Territories and Dependencies thereof, any Goods, Wares or Merchandize whatsoever, subject to the following Exceptions, Duties, Rules, Regulations, and Restrictions, that is to say, it shall and may be lawful for the Governor of the said Settlement, and of the Territories and Dependencies thereof, for the time being, to impose on all Goods, Wares, and Merchandize, not of the Growth, Produce, or Manufacture of Great Britain or Ireland, which shall be imported into the said Settlement, or the Territories or Dependencies thereof, from any part of His Majesty's Dominions, after due notice to be given by the Governor of the said Settlement, as hereinafter directed, a Duty not exceeding Fifteen per Cent. on the value thereof; such duties to be rated and collected in the same manner as is in use with regard to the Import Duties now levied at the said Settlement and the Territories and Dependencies thereof, from and in Ships and Vessels belonging to the Subjects of Countries and States in amity with His Majesty, and upon the Goods and Merchandize imported in the same; provided always that the time of the commencement of such Duty shall be fixed in the Proclamation, or other lawful Instrument, which shall be made and issued by the said Governor

for the purpose of imposing such Duty, which time shall not be less than six months from the day of issuing such Proclamation or other lawful Instrument; and provided also that the rate of Duty imposed on the Importation of Goods (not the Growth, Produce, or Manufacture of Great Britain and Ireland) from any part of His Majesty's Dominions, when so imported in British-built Vessels, owned and navigated according to law, shall in no case be so high as that which shall be imposed on the like Goods so imported in the Vessels of Foreign States.

And it is His Majesty's Pleasure, that no Goods, Wares, or Merchandise, the Growth, Produce, or Manufacture of the Countries to the Eastward of the Cape of Good Hope, be imported into the said Settlement or the Territories or the Dependencies thereof, except by the United Company of Merchants of England trading to the East Indies, and that no such Goods, Wares, or Merchandise, be permitted to be exported from thence, except for Sea Stores only, or by the United Company of Merchants of England trading to the East Indies, or by their Licence.

But it is His Majesty's Pleasure, that nothing in this Order contained shall extend to prevent Ships or Vessels employed in the Southern Whale Fishery from carrying on the same, in such and the same manner as might have been done if this Order had not been made.

And it is also his Majesty's Pleasure that no Arms or Artillery, Gun-powder, or Ammunition of any sort, be allowed to be imported into the said Settlement, or the Territories or Dependencies thereof, except by the said United Company of Merchants of England trading to the East Indies, or by Licence from His Majesty.

And it is His Majesty's further Pleasure, that the Trade and Commerce to and from the said Settlement and the Territories and Dependencies thereof, shall be

subject to such of the Laws of Trade and Navigation, as would have affected the same if this Order had not been made, except so far as such Laws are contrary to this Order.

And the Right Honorable the Lords Commissioners of His Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them respectively appertain.

(Signed)

Steph. Cottrell.

I do therefore, in pursuance of the said Order in Council, and by virtue of the Powers and authorities in me vested, hereby order and direct, that at the expiration of six months, from and after the issuing of these Presents, on all Goods, Wares, and Merchandise, not of the Growth, Produce, or Manufacture of Great Britain and Ireland, which shall be imported into this Settlement, from any part of His Majesty's Dominions, in Ships and Vessels belonging to the Subjects of Countries in amity with His Majesty, a Duty of Fifteen per Cent. on the value of such Goods, Wares, and Merchandise, shall be paid, to be rated and collected in the same manner as now in use in this Settlement. But on all such Goods, Wares, and Merchandise, not of the Growth, Produce, or Manufacture of Great Britain or Ireland, when imported from any part of His Majesty's Dominions in British-built Vessels, owned and navigated as by Law directed, a Duty of 10 pCt. shall be imposed, to be rated and levied in the manner as before specified.

And it is hereby directed, that this Proclamation shall be published and affixed in the usual manner.

Given under my Hand and Seal, at the Cape of Good Hope, this 29th day of September, 1809. ⁽¹⁾

(Signed)

Caledon.

By His Excellency's Command,

(Signed)

H. Alexander, Sec.

⁽¹⁾ Vide infra,—Proclamation 20th November 1812.

Government Advertisement.

It being of the utmost importance to Government, as well as of the greatest consequence to the Inhabitants, that the communication between this Capital and the Country Districts should be as speedy and secure as possible; and experience having taught that the manner in which this communication is at present kept up, is not only very irregular, but at the same time extremely tedious, and that in consequence it often happens whole Packets of Letters are either lost or detained for months upon the road,—Notice is hereby given, that from the 1st of April next, all Government Despatches will be forwarded to and from the Country Districts, by the route herein laid down; those from the Capital to the Country regularly every Saturday, and those from Graaff-Reinet (as the furthest stage) to the Capital, on every first and second Wednesday after the first Monday in each month, exclusive of the extraordinary Posts which Government or the Magistracy of the respective Districts may deem necessary to dispatch. And in compensation to each Inhabitant who may reside at any one of the herein after-mentioned stages, for the duties required of him, it is hereby notified, that Government will pay to the Postholders 3 Rds. in the month for every hour on horseback between the stages, who, over and above (on ordinary occasions) shall not only be exempt from Personal Service, but likewise from the furnishing of Waggon, Horses, Labourers, &c. for the Public Service; the whole under the following Regulations, viz.

1. The carrying of Packets and Letters shall, as much as possible, be done by Christians, or else by Hottentots or Slaves on whom a full dependance can be placed, the Postholders being on all occasions held personally responsible for the due delivery thereof.

2. The Postholders shall be obliged to keep, besides a fit Person for carrying the Packets and Letters, two

good Saddle Horses in their stables, which Horses shall be fed upon dry Forage.

3. All Packets or Letters shall, immediately after they are received, be forwarded without any delay, whether by day or by night, to the next stage; and the time employed in changing horses, &c. at each stage, shall at the utmost not exceed half an hour; and should this time be exceeded, the Postholders shall, for every half hour the Packets or Letters may be longer detained, be fined in a penalty of 10 Rds. to be forfeited to the Treasury of the District in which such Postholder resides.

4. The Postholder shall also be obliged to write down in the open Letters which accompany the Government Despatches, the date and the hour when such Packets or Letters arrive at their House, and likewise the time at which they forward them to the next stage; and they shall over and above be obliged to give a Receipt to the Person from whom they receive the Packets or Letters, in which Receipt they shall also specify the day and the hour such Packets or Letters were delivered to them.

It having likewise further appeared, that the Newspapers and Proclamations sent by Government to the Country Districts, for the purpose of being distributed for public information, are suffered to lay without any notice being taken of them, by which means the Inhabitants are not only prevented from obtaining timely information of the Orders and Regulations of Government, but Government itself at the same time exposed to its Orders being rendered illusory by the like neglect; it is hereby further ordered, that the Field-Cornets residing nearest to their respective Drostdies, do direct every week one of the Inhabitants of their Field-Cor-netcy, who will also take it in turn, to repair to the Drostdy, and there fetch the Newspapers, Proclamations,

and Letters, which arrive from the Capital, taking with them such Reports as the Field-Cornets may have to make to their Landdrost. These Newspapers, Proclamations, and Letters being then received by the said Field-Cornets, they shall, in the same manner, be fetched from them by order of the Field-Cornet, of the adjoining Division, and so on by every Field-Cornet as he follows. Besides this, another Inhabitant of the Field-Cornetcy (to be chosen likewise by turns by the Field-Cornet) shall be obliged to take round the Newspapers, Proclamations, and Letters, to the other Inhabitants of the Division, who shall, on a separate piece of paper, sign for having read the Newspapers, or Proclamations, and for the receipt of the Letters addressed to them, which paper shall be transmitted the following week by the Field-Cornets to the Drosdy, whence they shall be forwarded to the Capital at the end of every Quarter.

And all the Landdrosts and Field-Cornets are hereby required and commanded to take care that not only the Orders herein contained be strictly attended to and obeyed, but the former likewise to make such arrangements with the Field-Cornets, as to the fetching of the Newspapers, Proclamations, and Letters, as they may conceive best calculated to obtain the object in view.

Castle of Good Hope, 16th February 1810

By Command of His Excellency the Governor,

(Signed) H. Alexander, Secretary.

New Post Route.

1. From Cape Town to Stellenbosch per Post Wagon.

From Stellenbosch to Eikenbomen, at D. Malang's, 6 hours.

From Eikenbomen to the Drostdy of Tulbagh, 4½ hours.

From Tulbagh to Breede Rivier, at Smit's, $4\frac{1}{2}$ hours.

From Breede Rivier to Hex Rivier, at Naude's, 5 hours.

From Hex Rivier to Gourits Hoogte, at Mrs. Sandenberg's, 2 hours.

From Gourits Hoogte to Sarah's Rivier, at A. le Roes', 5 hours.

2. From Sarah's Rivier to the Drostdy of Swellendam, 4 hours.
3. From Swellendam to the Duivenhoks Rivier, at Pieter Lombard's, 5 hours.
4. From Duivenhoks Rivier to the Hoogekraal at J. P. la Grange's, 3 hours.
5. From the Hoogekraal to the Gourits Rivier at E. E. Meyer, Js. 4 hours.
6. From the Gourits Rivier to the Mosselbay, at the Superintendent's H. Abue, 4 hours.
7. From the Mosselbay to the Post in the Oute Niqualand, at the Overseer's, S. Fend, 4 hours.
8. From the said Post to the Zwarte Rivier at S. J. Weyers', 5 hours.
9. From the Zwarte Rivier to the Knysna, at Mr. G. Rex's, 4 hours.
10. From the Knysna to the Post in Plettenbergs Bay, at the Superintendent's, J. F. Meeding, 4 hours.
11. From the said Post into the Mountains under taken by Messrs. Rex and Meding, 4 hours.
12. From the last mentioned Mountains to the Lange Kloof, Steph. Ferreira's, Hs. 4 hours.
13. From the Lange Kloof to the Kromme Rivier, at Petrus Ferreira's, Ps. 4 hours.
14. From the Kromme Rivier to the Cauga, at J. L. Rautenbach's, $4\frac{1}{2}$ hours.
15. From the Cauga to the Gamtous Rivier, at Jan Meyer's, 5 hours.

16. From the Gamtous Rivier to the Van Staden's Rivier, at J. S. van Niekerk's, 5½ hours.
 17. From the Van Staden's Rivier to the Drostdy of Uitenhage, 3 hours.
 18. From the Drostdy of Uitenhage to the Zoutpan's Nek, at G. Stolts', 12 hours.
 19. From the Zoutpan's Nek to the Zondags Rivier, at F. P. Greeff's, 8 hours.
 20. From the last mentioned higher up to the Zondags Rivier, at F. J. du Preez's, 5 hours.
 21. From that to the Drostdy of Graaff-Reinet, 5 hours.
-

*Proclamation by His Excellency Du Pré, Earl of
Caledon, Viscount Alexander, and Baron
Caledon, of Caledon, &c.*

WHEREAS by a Proclamation dated 14th February 1798, issued by Lord Macartney, it was directed, that it shall not be lawful for any Person to remove from one District to another, in order to settle there, without his having previously taken out the usual Certificate from the Magistracy of the District in which he intends to settle, in order to be registered there, but also to the Veldwachtmeester of his Circuit, on a penalty of 150 Rix-dollars, to be forfeited on behalf of the Treasury of the District in which such a Person is found not to have complied with the present order within three Months after his settling there.

And whereas I am informed, that in the aforesaid manner several Inhabitants have actually settled in Districts to which they, according to their Certificates, do not belong; such Inhabitants are therefore also directed and required to comply with the present Order, within three Months after the publication, on the penalty of the said Fine to be forfeited as aforesaid.

And whereas new and additional inconveniences have

been found from Inhabitants, even in the same District, moving from one part thereof to another without notice to the Landdrost, or Certificate from him, with their Cattle, either upon pretences of rain having fallen, or of a better supply of food for the Cattle, or to avoid the incursions of plunderers,—It is therefore hereby further ordered and directed, that no Individual shall remove his Residence or drive his Cattle, except to Lands of his own held by title under Government without notice to the Landdrost, and a Certificate of his permission so to do, under a like penalty of 150 Rix-dollars, except in cases of extreme necessity, and of which necessity the said Person or Persons so removing their Habitation or Cattle, shall give notice to the nearest Field-Cornet or Landdrost, as soon as possible, in all cases within fourteen days of such removal. The Field-Cornet is hereby ordered to communicate the same to the Landdrost as soon possible. And it is hereby declared and ordered, that if the Landdrost sees good cause to doubt the veracity of the fact alleged, or does not see in it good and sufficient cause for such removal, he shall transmit the same to me or to the Governor for the time being, with his observations and remarks thereon; and if I concur in the opinion of the Landdrost, the said penalty of 150 Rix-dollars shall be sued for in the Courts of Landdrost and Heemraden, who are hereby empowered to take cognizance of the causes herein alluded to, and if recovered shall be paid into the Treasury of the District, for the benefit thereof.

Given under my Hand and Seal, at the Cape of Good Hope, this 24th day of August, 1810.

(Signed)

Caledon.

By His Excellency's Command,

(Signed)

H. Alexander, Secretary.

*Proclamation by His Excellency Du Pré, Earl of
Caledon, Viscount Alexander, and Baron
Caledon, of Caledon, &c.*

WHEREAS upon the Authority of the Parliament of Great Britain and Ireland, supported by the united testimony of the Colleges of London and Edinburgh, it is no longer subject to any doubt that Vaccination is an infallible preservative against the infection of that destructive disease the Small Pox, the fatal effects of which the Inhabitants of this Colony have repeatedly experienced during the last Century ; and

Whereas the existence of such preservative, by reason of the remoteness of this Colony, cannot be of any utility, unless the Vaccine Disease be perpetually at hand, in order that immediate recourse may be had to it, whenever the Small Pox may appear, a circumstance which in spite of the most careful precautions, cannot at all times be avoided ; and

Whereas the means which have hitherto been employed for the preservation and continuance thereof, have proved fruitless, and the same have notwithstanding been entirely lost ; and

Whereas the obtaining of the Matter being subject to so much uncertainty, it must be considered as a singular benefit, when, of the many trials made for procuring it, any one should happen to succeed ; and

Whereas I have at last, after much trouble and difficulty, succeeded in establishing the Genuine Vaccine Disease, the beneficial effects of which it is my wish to impart to the Inhabitants of this Colony, in such manner that, without interruption, there may at all times be found an infallible preservative against infection, should the Small Pox eventually make its appearance, and thus the recurrence of that mortality, which heretofore desolated so many Families, be prevented.

I have therefore judged it expedient to order and

direct, that the introduction of the Vaccine Disease to the Public shall be subject to the following Regulations, which have appeared to me the best adapted to prevent any adulteration of the Matter, and to insure its continuance in this Colony :

1st. That an Institution be established for the purpose of conducting the Process of Vaccination, under the management of a Director, aided by two Vaccinating Surgeons, forming together a Committee for the same.

2d. That no person whatsoever shall be at liberty to inoculate, except the before-mentioned Committee unless expressly authorised by me, on pain of a penalty of 100 Rix-dollars ; one third of which to be paid to the Informer, whose name, should he desire it, shall moreover be concealed.

3d. That the principal object being to perpetuate this Disease, the Committee shall take care that there be always some person or persons under its influence ; it being left to the said Committee to form, under my approbation, such Regulations as to them may appear requisite.

4th. That immediately after the publication hereof, the Wardmasters shall, each in his Ward, take down the names of all Persons (Infants not excepted) in their respective Wards, who have not regularly undergone this Disease, and transmit Lists of the same, within fourteen days at farthest, to His Majesty's Fiscal ; which Lists must contain, together with the names of the Persons, their quality and age, Slaves included.

5th. That the Wardmasters are particularly to inquire, and to express on their Lists, all such Persons who, either for themselves (or others under their care) have manifested a wish to avail themselves of this advantage.

6th. That the said Lists being received, they are to

be forwarded to the Committee, in order that they may regulate, under my approbation, in what manner the Vaccination shall successively take place ; of which regulation information shall be given to His Majesty's Fiscal, for the purpose of enabling him, as far as regards his Department, to take care that the same be properly complied with.

7th. That the Committee shall advertise monthly, in the Cape Gazette, the place, day, and hour, at which Vaccination is to be performed during that period ; on which occasion, His Majesty's Fiscal shall make known to each ward, through the medium of the respective Wardmasters, what Persons are to appear at the appointed time and place for the before-mentioned purposes.

8th. That the Persons so vaccinated shall receive the necessary Instructions from the Committee relative thereto, and particularly with regard to their punctual attendance before them, which they will be required strictly to observe.

9th. That a List of all such vaccinated Persons shall be transmitted monthly to the Colonial Secretary's Office, of which a Copy is to be forwarded to His Majesty's Fiscal, in order that the same may be communicated to the respective Wardmasters, who shall be obliged to keep a due account of each Person so vaccinated.

10th. That the Wardmasters shall, besides the Lists formed and sent by them to His Majesty's Fiscal, continue to keep a Register of the Names of all Persons not vaccinated who may come to reside in their Wards subsequent to this time, as also a List of all the Children successively born in their Wards ; the same use to be made of those Lists as of those specified in Article 4.

11th. That as soon as the Vaccine Disease has been established on a regular footing in Cape Town, the

same shall be extended to the Country Districts; when such Regulations will be adopted for that purpose, as may appear to be necessary; the Inhabitants of the Country Districts being in the mean time at liberty to take up a temporary residence in one of the Wards of Cape Town, in order to be able to avail themselves the more speedily of the advantages of this Institution.

And that no Person may remain ignorant of what is intended by these presents for the public good, it is further directed, that this Proclamation shall be published and affixed in the usual manner.

Given under my Hand and Seal, at the Cape of Good Hope, this 23d day of April, 1811.

(Signed)

Caledon.

By His Excellency's Command,

(Signed)

H. Alexander, Secretary.

*Proclamation by His Excellency Du Pré, Earl of
Caledon, Viscount Alexander, and Baron
Caledon, of Caledon, &c.*

WHEREAS much inconvenience and irregularity has been found to arise not only from the vast extent of the Drostdy of Swellendam, but from the situation of the residence of its Magistrate, and the seat of its Court of Heemraden, which, instead of being central with respect to the dwellings of the Inhabitants, are fixed at one end of this extensive province; and whereas the great increase of population in this large tract of country renders it impossible for its Magistrate to attend to the various duties required of him,—for these reasons, and in order that the Laws and Regulations of the Settlement may hereafter be more properly enforced, I have deemed it advisable to make a new Division of this part of the Colony, by separating from

the Drostdy of Swellendam all that part thereof which lies to the Eastward of the Ghamka or Gaurits River, and adding thereto such part of the Drostdy of Stellenbosch as is hereinafter described: I do therefore, by virtue of the Power and Authority in me vested, direct, order, and make known as follows:—

1st. A new Drostdy shall be formed from that part of the Drostdy of Swellendam which lies to the Eastward of the Ghamka or Gaurits River.

2d. The new Drostdy shall, in honor of our Most Gracious Sovereign, be called George's Drostdy.

3d. George's Drostdy comprehends the Field-Cornetries of

- | | |
|----------------------------|--------------------------------|
| 1. Over the Gaurits River. | 6. Behind the Lange Kloof. |
| 2. Outeniqua Land. | 7. The Oliphant's River. |
| 3. Plettenberg's Bay. | 8. Above the Oliphant's River. |
| 4. The Attaqua's Kloof. | 9. The Congo. |
| 5. Before the Lange Kloof. | |

4th. Swellendam Drostdy will comprise in future the followinig Field-Cornetries:—

- | | |
|------------------------------|----------------------------|
| 1. Swellendam. | 12. Duivenhok's River. |
| 2. Klippe River. | 13. Vette River. |
| 3. Potteberg. | 14. Valsch River. |
| 4. Karsse River. | 15. Kars Rivier. |
| 5. River Zonder End. | 16. Zoetendal's Vallei. |
| 6. Boschjesveld. | 17. Zwarteberg. |
| 7. Before Cogman's Kloof. | 18. Behind the Zwarteberg. |
| 8. Behind Cogman's Kloof. | 19. Uilenkraal. |
| 9. The Great Zwarteberg. | 20. Bot River. |
| 10. Behind Great Zwarteberg. | 21. Palmiet River. |
| 11. The Tradouw. | |

5th. The divisions of the Drostdies of Stellenbosch and Swellendam is to be the Steenbrazen Rivier to its source, from whence an ideal line is to run to Baviaans Kloof, enclosing the Lesser Houwhoek and Baviaans Kloof in the Swellendam Drostdy.

6th. All Places situated to the Westward of this line, although they may heretofore have formed part of some of the Field-Cornetcies above specified, are to remain attached to the Drostdy of Stellenbosch.

7th. The Secretaries of Swellendam and George's Drostdy will as soon as possible, take an account from the Books of the Drostdies of Stellenbosch and Swellendam, of all the Places and Erven by the present arrangement attached to their respective Drostdies.

8th. The payment of the usual Taxes by the Inhabitants of the Swellendam and George Drostdies shall be made for the year 1812, at the Residences of the respective Landdrosts.

9th. The Residence of the Landdrost of George's Drostdy is to be at the Government Post, at the Outeniqualand, where, in addition to the present Buildings, directions will be given for the erection of such as are further necessary.

10th. The nomination of the Members of the Board of Heemraden for George's Drostdy will be made as soon as possible.

11th. The Landdrost and Heemraden of Swellendam are hereby directed, at their first meeting, to recommend new Members for their Board, to succeed those who by the present arrangement will no longer be Inhabitants of that Drostdy.

12th. A Deputy Landdrost for the Drostdy of Swellendam will be appointed, whose residence is to be at the Zwartebergs Baths.

And it is hereby further directed, that this present Proclamation shall be published and affixed as usual, in order that no one may plead ignorance thereof.

Given under my Hand and Seal, at the Cape of Good Hope, this 23d day of April 1811.

(Signed) Caledon.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

Proclamation by His Excellency Lieutenant-General

Sir John Francis Cradock, &c. &c.

WHEREAS it has been represented to me by the Landdrosts of Graaff-Reinet and Uitenhage, that notwithstanding the repeated promises of several of the Petty Caffre Chiefs wandering in the Zuureveld, to return to their own Country, over the Great Fish River, they still continue to annoy the Inhabitants of those remote Districts, and to plunder the Farmers to a very great extent; and that they have in several recent instances atrociously murdered His Majesty's Subjects whom they fell in with.

Now, in order to put a stop to these calamities, I have authorised the Landdrosts of Graaff-Reinet and Uitenhage, to assemble a Commando for the purpose of driving these Marauders out of their Districts, over the Great Fish River, the acknowledged boundary of this His Majesty's Settlement. And I have thought proper to send a Military Force under Lieutenant-Colonel J. Graham, of the Cape Regiment, to support the same, having appointed that Officer Commissioner for all Civil and Military Affairs within the Drostdies of Graaff-Reinet, Uitenhage, and George.

These are therefore to give notice, that from and after the promulgation of these presents, which shall take place as soon as the aforesaid Commissioner Lieut.-Colonel J. GRAHAM shall arrive at the Drostdy of Uitenhage, Martial Law shall be in force within the Drostdies of Graaff-Reinet, Uitenhage, and George, for all such cases as shall be connected with the assembling and conducting the Commando aforesaid, and shall continue till the object thereof be accomplished, of which the aforesaid Commissioner duly authorised by me shall give public notice, but without prejudice to the usual course of Law in all other matters whatsoever, as if this Proclamation had not been issued.

And that no Person may plead ignorance hereof, I have thought proper to direct, as I do by these presents, that besides the usual mode of making known the same, each Field-Commandant and Field-Cornet shall be furnished with a Copy hereof.

This done at the Castle of Good Hope, this 8th day of October 1811.

(Signed) J. F. Cradock.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

Proclamation ⁽¹⁾ *by His Excellency Lieutenant-General*
Sir John Francis Cradock, &c. &c.

WHEREAS by a Proclamation bearing date the 29th September 1809, it was made known, that His Majesty, being duly authorised thereto by Act of Parliament, had been graciously pleased to take into consideration the state of the Trade of this Settlement, and to pass an Order in Council for the better regulation thereof, and for imposing certain Duties upon all Goods, Wares, and Merchandise, not of the growth, produce, and manufacture of the United Kingdom of Great Britain and Ireland, which Duties are by the Proclamation aforesaid, directed to be rated and levied on the value of such Goods, Wares, and Merchandise; and whereas it appears to have been the intention of His Majesty in Council, that the Duties so payable to His Majesty should be rated and collected in a manner different from that which had been heretofore established in this Settlement.

Be it therefore ordered and made known, that from and after the date of these presents, all Duties to be levied upon the importation of Goods, Wares, and

(2) *Vide infra*,—Proclamation, 20th November 1812.

Merchandise, into the Ports of this Government, not of the growth, produce, and manufacture of the United Kingdom of Great Britain and Ireland, shall be taken and considered at the value of the same at this place, without any abatement or deduction whatsoever, except of so much as the Duties payable on the importation thereof by the Authority aforesaid shall amount to.

And it is hereby further directed, that the value of such Goods, Wares, and Merchandise, upon which Duties are to be levied, collected, and paid, as aforesaid, shall be ascertained by the declaration of the Importer or Proprietor of such Goods, or his known Agent or Factor, in the manner and form following:—

“ I, A. B. do hereby declare, that the Goods
 “ mentioned in this Entry and contained in the
 “ Packages (here specifying the several Packages,
 “ and describing the several marks and numbers,
 “ as the case may be), are of the growth, pro-
 “ duction, or manufacture (as the case may be)
 “ of and that I am the Im-
 “ porter and Proprietor thereof, or that I am duly
 “ authorised by him (as the case may be), and I
 “ do enter the same at the value of.....

“ Witness my Hand, the.....day of.....

“ A. B.”

“ The above Declaration signed the...day of....
 “ in the presence of.....

“ C. D. Collector.

“ E. F. Comptroller,”

or other principal Officer.

Which Declaration shall be written on the Warrant of Entry of such Goods, Wares, or Merchandize, and shall be subscribed with the hand of the Importer or Proprietor, or his known Agent or Factor, in the presence of two of the principal Officers of the Customs, who shall certify the same under their

hands, and such Declaration shall be in every respect binding on the Importer or Proprietor of such Goods, Wares, and Merchandise; and if upon view and examination of such Goods, Wares, and Merchandise, by the proper Officer or Officers of the Customs, it shall appear to him or them that they are not valued according to the true price thereof, and according to the true intent and meaning of this Proclamation, then the proper Officer or Officers shall detain such Goods, Wares, and Merchandise, and cause them to be properly secured, and take them for the use and benefit of His Majesty, and cause the said Goods, Wares, and Merchandise to be publicly sold, on account of His Majesty; and at the expiration of three months from the date of the sale, the Collector of His Majesty's Customs shall pay, or cause to be paid, to the Proprietor or Importer aforesaid, the value thereof so ascertained, as aforesaid, together with an addition of 10 per Cent, thereon, without any other allowance, charge, or expence whatsoever, which payment so made to the Proprietor or Importer of such Goods, Wares, Merchandise, shall be in full satisfaction for the same to all intents and purposes whatsoever.

And it is hereby further ordered and directed, that in case there shall be any overplus remaining from the produce of such sale, after deducting the value so ascertained as aforesaid, together with the addition of 10 per Cent. thereon, and of the Duties paid on the importation, and of the Charges arising from the warehousing and sale of such Goods, Wares, or Merchandise, the Collector of His Majesty's Customs shall be authorised to cause a moiety of such overplus to be paid to the several and respective Officers of the Customs concerned in the view and examination of such Goods, Wares, and Merchandise, as an encouragement for the faithful discharge of their duty; and the Collector of

His Majesty's Customs shall cause the remaining moiety, together with the amount of the usual Duties of the aforesaid Goods, Wares, and Merchandize, to be paid to His Majesty's Receiver-General, together with the amount of the Collections made in his Department as usual.

And whereas doubts have been expressed as to the manner in which the Duties upon Foreign Goods, Wares, and Merchandize, exported from the Ports of this Government, should be rated and collected, it is therefore hereby ordered, by virtue of the Power and Authority in me vested, that henceforward all such Export Duties, payable upon the value of any Foreign Goods, Wares, or Merchandize to be exported, shall be taken and considered precisely upon the same principles which are herein directed for the levying of all *ad valorem* duties upon Goods, Wares, and Merchandize, imported as above described. ⁽¹⁾

Given under my Hand and Seal, at the Cape of Good Hope, this 9th Day of October 1811.

(Signed) J. F. Cradock.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

Government Advertisement.

HIS Excellency the Governor has been pleased to direct the enclosed Copy of a Letter from His Majesty's Law Officers in England to the Right Hon. the Earl of Liverpool, one of His Majesty's Principal Secretaries of State, to be made public for general information.

Castle of Good Hope, 29th May 1812.

By Command of His Excellency the Governor,
(Signed) H. Alexander, Secretary.

(1) *Vide infra*,--Proclamation, 5th August 1814.

Copy. Doctors Commons, 18th Dec. 1811.

May it please your Lordship,

We are honored with your Lordship's Letter of the 23 ult. referring to a former Communication respecting Doubts which have been excited at the Cape of Good Hope, on the validity of certain Marriages solemnized there by a Person styling himself Dr. Halloran, and signifying the Commands of His Royal Highness the Prince Regent, that we would state our opinion on the validity of such Marriages, for the purpose of removing any Doubt that may still exist, and quieting the minds of the Inhabitants thereon.

In obedience to your Lordship's directions, we have considered the same, and are humbly of opinion, on all the circumstances of the case, that the Marriages solemnized at the Cape by the person officiating as a Clergyman, under assumed or forged Orders, cannot be vitiated or invalidated in any manner by the Defect of the Holy Orders of Priesthood imputed to him.

We have the honor to be,

(Signed) { C. Robinson.
P. Gibbs.
T. Plumer.

Lin. Inn, Dec. 17, 1811.

The Earl of Liverpool, &c. &c. &c.

Proclamation by His Excellency Lieutenant General

Sir John Francis Cradock, &c. &c.

WHEREAS experience, during the last Contagion of the Small Pox, has confirmed in the most convincing manner, the Inoculation of the Cow Pox, under the blessings of Divine Providence, it is not only a safe, but the only remedy to preserve this Colony from the ravages of that dreadful Disorder, and whereas the prejudicial consequences of that Disease must have an essential influence on the encreasing prosperity of this

Colony, I have therefore judged proper, for the better security of the continuance of the Vaccine Matter, over and above the Regulations prescribed by the Proclamation of the 23d April 1811, further to order and direct, as I hereby order and direct accordingly :

1. That the Wardmasters shall not only, agreeably to the 10th Article of the said Proclamation, keep a Register of the Names of all Children successively born in their respective Wards; but shall besides be obliged to forward every months an accurate List from the same to His Majesty's Fiscal, for the purpose of keeping a proper Register thereof in his Office; and in order the better to ensure the effect of this Regulation, every Housekeeper, or Head of a Family, shall be obliged to report to the Wardmaster, within the space of 48 hours, the Birth of every Child, on a penalty of 100 Rds. for each offence.

2. That His Majesty's Fiscal shall, from time to time, require such a number from those Children as the vaccine Committee shall think necessary should be vaccinated, which requisition every Person shall be obliged punctually to comply with, on pain of being considered as Opposers of the Orders of Government, and as such punished according to Law.

3. That every Person shall be obliged, under a like penalty, to produce his or her Child, the eighth day after the operation has been performed, to the Vaccine Institution, at their usual place of Meeting, for the purpose of being examined and registered; as also, should it be deemed necessary, to take the Matter from such Child, for the further Vaccination of others.

4. That, agreeably to the 2d Article of the said Proclamation of the 23d April, 1811, no Person whom soever, excepting the said Committee, unless expressly authorised by me, shall be at liberty to inoculate, under the same penalty of 500 Rds. as is prescribed by

the Proclamation of the 24th April, 1807, against practising as a Doctor, Surgeon, or Apothecary.

5. That in case any Person may be hindered by unforeseen circumstances, from complying with the Orders contained in the 2d and 3d Articles, such Persons shall be obliged to address themselves to His Majesty's Fiscal, by whom, after due examination, and with the concurrence of the Vaccine Committee, the impediments stated shall be removed as far as possible if found to be grounded, or otherwise—such arrangements be made, as they jointly shall deem reasonable, so as not to evade the intention of this Proclamation.

And that no Person shall remain ignorant of what is intended by these presents for the public good, it is further directed, that this Proclamation shall be published and affixed in the usual manner.

Given under my Hand and Seal, in the Castle of Good Hope, this 25th day of September, 1812.

(Signed) J. F. Cradock.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency Lieutenant-General
Sir John Francis Cradock, &c. &c.*

WHEREAS it is become absolutely necessary, from the increasing Population of this Colony, and the prospects of its widely extended Commerce, that the greatest regularity should prevail in the distribution and due cultivation of all Lands that yet remain at the disposal of Government.

And whereas it appears in many instances, that the Landholders in the vicinity of their own Property, have taken possession of, or cultivated, considerable portions of Ground belonging to the Crown, without any right or claim thereto, and in direct violation of the Procla-

mations of successive Governments, on the 15th February 1715, Article 25; the 1st February 1727, Article 45; and the 11th October 1740, Article 45; as well as by special Interdiction dated the 18th February 1732, which Interdiction was declared in the most public manner by a subsequent Advertisement of the 1st July following.

And whereas it is indispensably required, that these Laws should be maintained in full force, to insure the general subsistence of the Settlement; and that I may be enabled to carry into effect the beneficial Instructions I have received from His Majesty's Government :

I do therefore declare, order, and direct, that the above recited ancient Laws of this Colony, be considered as in full power and operation, and respected accordingly; and that the violation of any of them be followed by the forfeiture of the prescribed penalty of Fifty Rds. and the confiscation, besides, of all the Produce on the Lands so unlawfully appropriated.

As, however, it is the anxious wish of His Majesty's Government to manifest, that even in the necessary Improvements, and solid Establishment of this Colony, the most paternal and scrupulous regard, where it is practicable, will be shown to the interests and private objects of all Individuals concerned: and, as it is hoped, the violation of the Laws in question may have proceeded from inadvertence or error, rather than design, I have resolved, trusting to indemnity from His Majesty's Government, entirely to remit all existing Fines and Penalties arising out of the present view of the case; and moreover, that all Persons may and shall enjoy the fair and full fruits of their labour, anterior to the promulgation hereof.

But as these ancient Laws and Regulations of the former Governments are now repeated and promulgated in the most public and solemn manner, and the good of

the community at large requires, that no encroachments upon the Crown Lands should any longer remain ; and as such practices are most injurious to all just Proprietors and Claimants, it is expressly declared, and it is to be clearly so explained by all the Magistrates, that this remission of penalties, and exemption from confiscation, shall not extend to any Person or Persons who do not claim the benefit of this Proclamation within one year after its promulgation, or apprise the Government of its distinct property, and conform to the further Regulations as hereafter specified.

It is therefore especially enjoined, towards the attainment of these objects, that the true situation of every Place, Erf, or other Lands, having a limited extent, should, as soon as possible, be ascertained ; and all such Landholders are hereby ordered, to cause conspicuous Beacons to be placed at the Angles of their respective Properties, not only to distinguish their own Boundaries, but to enable the Magistrates, or other Official Persons, to make correct Reports to Government, whenever this subject may be referred to them. And in case this Order is neglected, the necessary measures will be taken by Government, at the expence of the offending Parties, for carrying it into effect, as the due execution is equally required to ascertain the rights of Individuals, as those of the Crown, and thereby avoid in future all confusion in Private as well as Public Property.

That the beneficent intentions of the Government may be accomplished in the fullest manner, and as there is no other view in these measures but to unite the Public and Private Interests, it is further declared, that all Persons who have incautiously cultivated Lands belonging to the Crown, shall be at liberty, pursuant to the tenor of the above quoted Interdiction of the 18th February 1732, to apply to the Government for a grant on Quitrent, of such Ground as may be required for the

improvement or fair extension of their present Property ; and, after due investigation, the most equitable and liberal attention will be paid to their representations. And that nothing may be wanting to prove the indulgence and forbearance of Government, least the immediate assumption of its right should injure a single Farmer who does not wilfully transgress, it is further announced, that all such Landholders will not be interrupted in the exercise of their Industry, during the ensuing year, and the enjoyment of the full benefit of the labour bestowed on these Grounds.

It is moreover declared, that all Persons who may in future apply for the Lands of Government, will not obtain any remote Ground, before they have acquired a legal Tenure to all such Lands as they may have already cultivated in the immediate vicinity of their own Property, with the exception however of "New Places ;" provided at the same time, that the application for such "New Places" be not made with the view of evading the general intentions.

All these Regulations are no more than the recital of the already stated Enactments for a century past ; and if they were thought suitable at those early periods of the Settlement, how much more required are they now, in the present prosperous and advanced state of the Colony, where Land is of rapidly encreasing value every day ; and, in proportion, the most legal security should be given to property, and the inestimable advantage insured of its lawful transmission to the Posterity of the present Occupants.

The first step to attain these ends, is to remove every doubt and uncertainty as to Tenure, and to fix all Persons in just and undisputed rights.

The respective Landdrosts and Magistrates are therefore called upon to explain the principles upon which the Government proceeds, as well as to exact a strict

conformity to the prescribed Regulations. The prompt and active obedience to the full spirit, as well as letter, of the Law, on the part of the Applicants for the Lands in question, will open the surest road to obtain a favourable result to their representations; and they may feel assured, from the consideration and sacrifices now made that the Government, though in assertion of their rights, and the due support of their numerous dependent Establishments, will never injuriously maintain even the Public Interest, against a reasonable Claim of the Individual.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 16th day of October, 1812. ⁽¹⁾

(Signed) J. F. Cradoek.

By His Excellency's Command,
(Signed) H. Alexander, Secretary,

*Proclamation by His Excellency Lieutenant-General
Sir John Francis Cradock, &c. &c.*

WHEREAS by a Proclamation bearing date the 29th day of September, 1809, ⁽²⁾ as well as a subsequent Proclamation of the 9th October, 1811, ⁽³⁾ it was ordered and directed, that a Duty of 10 per Centum should be levied upon all Goods, Wares, and Merchandize, not of the growth, produce, or manufacture of Great Britain or Ireland, imported into this Settlement from any part of His Majesty's Dominions, in British built Vessels, owned and navigated as by Law directed; such Duty

⁽¹⁾ *Vide infra* Government Minute, 23d July, 1813, and 6th August, 1813.

⁽²⁾ *Vide supra* p. 97.

⁽³⁾ *Vide supra* p. 111.

to be rated and levied as directed by the Proclamation of the 9th October 1811.

And whereas it appears to me, that levying said Duty of 10 per Cent. upon such Cotton Wool as may be imported into this Settlement in the manner before specified, and intended for re-exportation to the United Kingdom of Great Britain and Ireland, is injurious to the Manufacturing Interests thereof:

I have thought proper to direct, and by these presents do hereby order and direct, that from and after the date hereof, a Duty of 3 per Cent. shall be levied upon all Cotton Wool that may be imported into this Colony for re-exportation to Great Britain or Ireland, or such as may be transhipped upon British-built Vessels, owned and navigated according to Law: provided, nevertheless, that such Cotton Wool be kept under the Keys of the Collector of His Majesty's Customs, until such transhipment or re-exportation shall take place, to, and in the manner before stated.

And I further order and direct, that the said Duty of 3 per Cent. be rated and levied as directed by the aforesaid Proclamation of the 9th October 1811.

Given under my Hand and Seal, in the Castle of Good Hope, this 20th day of November 1812.

(Signed) J. F. Cradock.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency Lieutenant General
Sir John Francis Cradock &c. &c.,* ⁽¹⁾

WHEREAS I have had under consideration the establishment of certain prescribed Regulations, as well for the guidance of the Servants of the Government, as those

⁽¹⁾ *Vide infra*,—Government Advertisement, 10 Nov. 1836.

Individuals, who are, or may hereafter be, concerned in the selling of Timber in the Forests bordering on Plettenberg's Bay, with a view to bring into account the remote and hitherto unfrequented Parts of these Woods, to abolish the present wasteful practices, and to give time to the almost exhausted Tracts in the neighbourhood of the Bay to regenerate: I hereby order and direct, that the Tract of Woods lying between the Knysna and Keurbooms Rivers, be hereafter reserved exclusively for the purposes of Government; and I do hereby empower the Magistrates and others in authority, to proceed according to Law, against any Person or Persons who may, after the publication of this Proclamation, be found encroaching within the limits of the Tract above specified.

And whereas it has been represented to me, that the Timber in the extent of Forests to the Southward of the Pont (Pass), comprehending about one-third of the Tract ordered to be reserved for the purposes of Government, is nearly exhausted from the facility of access, and its contiguity to the Bay: It is therefore my intention to shut up this space altogether; but this restriction will not actually take effect, until the Contractors have fulfilled their existing obligations to Government, that every facility may be afforded to expedite the supply of Timber required to meet the present demands of the Naval, Military, and Colonial Departments, but all Persons entering into future Contracts with the Departments of Government, are positively prohibited from employing Wood Cutters to the Southward of the Pont (Pass), but must restrict them to the tract of Wood to the Northward of the said Pass.

And whereas I am willing to remove any apprehended deficiency of Timber, to meet the demands of the Public, as well in Cape Town as the Interior of the Colony, I judge it proper to allot to all Persons engaged in speculations for the supply of Timber, the

free use of the extensive Tract of Forest situated to the Westward of the Kaaymans River, at present preserved to Government, subject to the Regulations and Restrictions hereafter mentioned:—

1st. That no Individual be allowed to fell Timber without having previously obtained a Licence so to do, which he is to present to the Overseer, prior to his making the least attempt to benefit from the same, under a penalty of 100 Rds.

2d. That no person shall proceed to the Forests without having previously obtained a Permit from the Overseer, and having specified to him the number and the names of the Persons who are intended to be employed by him in the Woods, under a penalty of 100 Rds,

3d. No Trees are to be felled but upon the spot pointed out by the Overseer, under the penalty of 100 Rds.

4th. That no Person be permitted to fell any sort of Timber, but such as is specified in his Licence, under a penalty of 100 Rds. and confiscation of the Timber.

5th. No Individual to be allowed to dispose of any Timber that he has felled in consequence of his Licence, before the same has been carried out of the Forest, and inspected by an Overseer; nor shall any Person be allowed to fell Timber upon the Licence of another, under the penalty of 100 Rds. and confiscation of the Timber.

6th. That any one, black or white, who shall be found in the Forests without the knowledge of the Overseer, shall be seized upon, conveyed to the Drosty of George, and confined on bread and water for the term of six weeks.

Given under my Hand and Seal, in the Castle of Good Hope, this 20th day of November 1812.

(Signed) J. F. Cradock.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

Government Advertisement.

HIS Excellency the Governor has been pleased to direct, that from and after the 1st January next, the felling and removal of Timber, in and from the Crown Forest Lands, in the District of George, shall be subject to the following Regulations, viz :—

1. The Forest Lands shall be formed into two Divisions, each to be under a Superintendent Overseer.

2. The first or Western Division, shall extend Eastward from the Gauritz River to a North and South Line passing through the Place Roode Muur, being the Meridian of 23° 10. East Longitude from Greenwich.

3. The middle Division shall extend from the afore-said Meridian, on the West, to the Boundary Line which separates the District of George from that of Uitenhage, on the East.

4. Each Superintendent shall be a Justice of the Peace.

5. For each Load of Timber to be cut in the Forest Lands, consisting of not more than *seventy cubic feet*, there shall be paid *Six Shillings* Sterling.

6. The Civil Commissioner of George, by whom Licences will be granted, the Superintendents, and all Persons applying for and receiving Licences to cut Timber, shall conform themselves to the annexed Instructions for their guidance, respectively, viz. :—

Instructions for Civil Commissioner.

1. It shall be the duty of the Civil Commissioner, to issue Licences, in the Form annexed, to all Persons applying for the same, whether for themselves or for other persons, on payment of *Six Shillings* Sterling for each Load intended to be cut ; and he shall express in the Licence the quantity of Loads required, and shall address such Licence to the Superintendent of the Division specified by the Applicant.

2. He shall transmit to the Colonial Secretary, at the close of each Quarter, a Return of the Names of the Persons in whose behalf Licences have been granted by him, and of the number of Loads licensed to be cut during the Quarter.

Licence.

To the Superintendent of the Division of the
Crown Forests.

No. (*) Licence to fell Timber,

Number of Loads. (*)

Name and Description of Holder. (A. B. of———,
in the Fieldcornetcy of———,
in the District of———.)

Office of the Civil Commissioner of———, this——
day of———

(Signature)

Civil Commissioner.

* Number of the Licence and of the Loads of Wood to be written in full.

*Conditions on which Licence is issued, to be signed
in the presence of the Superintendent, to whom
it is addressed, by the Person in whose
name it is granted.*

1. That no Load of Timber shall exceed Seventy Cubic feet of Timber, lopped, but not dressed into shape.

2. That the Superintendent shall have the right of seizing any Timber in the Forest belonging to any licenced Person who shall create any obstruction in the Roads or Passages through the Forests by the lopping of Timber felled by any such Licence-holder.

3. That the Superintendent shall have the right of seizing any Timber attempted to be removed by any licensed Person, before the Superintendent has inspected the same.

4. That the Superintendent shall have the right of seizing any Timber left in the Forest for future removal, and which shall not be removed at the time or times appointed by him for such removal.

5. That the Superintendent shall have the right of seizing any Timber converted, or undergoing the process of conversion, into Planks, Fellies, or the like, within the Forest, or upon the Outspan-places thereto belonging.

6. That the Superintendent shall have the right of fixing the places where the draught Cattle, brought for the removal of Timber, may be outspanned; and of requiring from the licensed Persons a Return of the number of such Cattle; and of sending every head above the number required to the nearest Pound, if they be kept on the Outspan-places after due notice to remove them.

7. That no licensed Person shall have the right of allowing his draught Cattle to remain on the Outspan-places for more than one week before the probable time of removal of the Timber felled by him, should the quantity be so considerable as to require a fortnight or upwards for felling and removal.

8. That the Superintendent shall have the right of seizing any Timber felled by any Person, or his Servants, not provided with a Permit to fell Timber, issued by such Superintendent under a Licence.

9. That the Superintendent shall have the right to declare all Timber seized by him in pursuance of his Instructions forfeited to His Majesty, and to sell the same for account of Government.

10. That every licensed Person shall be bound to deliver his Licence to the Superintendent for permit thereon, and, at the same time, to furnish such Superintendent with a List of the Names of every Individual whom he intends employing to fell or remove the Timber specified in such Licence.

I bind myself to submit to, and comply with, all the foregoing Conditions.

A. B. of ——— Holder of the Timber cutting Licence No. ———

C. D.

E. F. &c.

Instructions to Superintendents of Government Forests.

1. As soon after his appointment as possible, the Superintendent shall ascertain what Persons, if any, have unlawfully established themselves within his Division, and shall give such Persons notice to quit within one Month, with leave to remove the Materials of any Buildings erected by them, and at the expiration of such Month, he shall take steps, through the Clerk of the Peace of the District, to procure the ejection of such Persons in due course of Law; and shall in his discretion, at all times, institute legal proceedings, also through the Clerk of the Peace, against Persons trespassing or doing damage, or who shall have trespassed or done damage within his Division.

2. The Superintendent shall ascertain the quantity and the quality of the Timber growing within his Division; its situation, and the means of approach to it, for the purpose of removal when felled.

3. He shall ascertain the Timber which from time to time is most proper to be felled, and restrict the cutting thereof to particular Tracts, which he shall point out to licensed Persons.

4. He shall take the most effectual means in his power, to preserve the remaining portion of Timber, until it becomes of a proper age to fell, so as to secure a regular succession of Timber Trees for the Public advantage.

5. He shall take care that no Load of Timber shall exceed seventy cubic feet of Timber: lopped but not dressed into shape.

6. When only a small quantity of Timber is required he shall take care that larger Trees than necessary are not felled.

7. He shall take care that the Roads or Passages through the Forests are not obstructed by the loppings of Timber felled by licensed Persons; and if he detect any such Persons creating such obstruction as aforesaid, he shall seize any Timber in the Forest belonging to them.

8. He shall take care that no licensed Person shall remove any Timber before he, the Superintendent, has inspected the same; and he shall seize any Timber which shall be attempted to be removed before such inspection.

9. In the event of any licensed Person having occasion to leave Timber lawfully felled by him in the Forest for future removal, each Log shall be identified by Marks to be cut thereon both by himself and the Superintendent, and the Superintendent shall appoint the place where such Timber shall remain, and the time or times when it shall be removed; and he shall be at liberty to seize such Timber, if not removed at the time or times specified, if he shall think fit.

10. He shall not permit any Timber to be converted into Planks, Fellies, or the like, within the limits of his Division, or the Outspan-places thereto belonging, and shall seize any Timber so converted or undergoing the process of conversion.

11. He shall fix the places within his Division, where the draught Cattle brought by licensed Persons for the removal of Timber may be outspanned, and shall require from those Persons a Return of the number of such Cattle, and shall send every head above the num-

ber required to the nearest Pound, if they be kept on the Outspan-place after due notice of removal.

12. In case the quantity of Timber wanted by any licensed Person be so considerable as to require a fortnight, or upwards, for felling and removal the draught Cattle for the conveyance thereof shall not be allowed to remain on the Outspan-places for more than one Week before the probable time of removal.

13. The Superintendent shall receive and retain in his possession every Licence produced to him, and shall require, the Person whose Name is inserted in it, to sign the Conditions printed thereon in English and Dutch ; and shall after such signature, issue his written permission for the cutting of the number of Loads mentioned in the Licence, the number and date of which are to be inserted in such Permit : and if the Superintendent detect any Person felling Timber without such written Permission, he shall seize any Timber which may have been felled by any Person or his Servants not having such Permit.

14. He shall sell all Timber seized by him, in virtue of these Instructions, for ready Money, and render an Account, and pay over the Proceeds to the Civil Commissioner, of the District at the close of each Quarter.

15. He shall prepare a Monthly Statement containing the Names of Persons by whom Licences have been produced to him ; the number of the Loads specified in each Licence ; the number of Loads cut under each Licence, or under Licences previously presented, but not fully acted on ; and the quality and description of the whole Timber cut during the Month, and shall transmit the same, when prepared, to the Surveyor General.

16. He shall require from each Licensed Person, on production of his Licence, a List of the Names of every Individual whom he may employ to fell or remove the quantity of Timber specified in the Licence.

17. The Superintendents will be held strictly responsible to Government for the upright and impartial exercise of the extensive powers hereby delegated to them, combining all reasonable facilities to Persons legally frequenting the Forests, with the protection of the public interests committed to their charge. ⁽¹⁾

Colonial Office, Cape of Good Hope, 10th Nov. 1836.

By Command of His Excellency the Governor,

(Signed) John Bell, Sec. to Government.

Proclamation by His Excellency Lieutenant-General

Sir John Francis Cradock, &c. &c.

WHEREAS it has appeared to me, that Captains of Vessels and Strangers, and others preparing to leave this Colony, have been permitted upon accusations, complaints, and depositions, to cause the confinement of His Majesty's liege Subjects and others, and to expose them, in a strange country, to all the dangers and inconveniences of confinement and trial: And whereas it is impossible for Magistrates, Commissioners of the Court of Justice, and others appointed to conduct such investigation, to ascertain the truth, until after trial, whether the Parties so complaining, informing, or lodging informations, have therein acted justly, and upon just grounds, falsely, maliciously, and without probable cause:

Be it hereby enacted, proclaimed, and declared, that all and every Person, not resident in this Colony, lodging a complaint, information, or deposition, upon which an Arrest against the person or persons of any Inhabitant or Stranger is ordered and issued, and trial thereon is to take place, shall give security at the discretion of the Fiscal or Commissioners of the Court of Justice, Landdrosts, or other Magistrates, as the case may be, to

(¹) *Vide supra*—Proclamation, 20th Nov. 1812, p. 122.

prosecute, to effect such their information, deposition, or accusation, and provided such information, deposition, or accusation shall to the Court of Justice be proved and decreed to be false, malicious, and without probable cause, to make adequate and just compensation to the Sufferer or Sufferers in costs and damages.

Given under my Hand and Seal, at the Cape of Good Hope, this 27th day of November 1812.

(Signed) J. F. Cradock.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency Lieutenant-General
Sir John Francis Cradock, &c. &c.*

WHEREAS great danger has accrued to the Inhabitants of this Colony, from admitting of an intercourse with Ships or Vessels employed in the carriage of Slaves; and whereas it has pleased his Royal Highness the Prince Regent to direct and command, that all intercourse with Slave Ships should be prohibited and interdicted, without consideration of the Country to which they may belong:

In furtherance of His Royal Highness the Prince Regent's Command, and attention to the health and Welfare of the People of this Colony, I order, direct, and ordain, that no Vessel or Vessels carrying Slaves, or employed in the Slave Trade, shall be admitted to any intercourse with the People of this Colony, or to enter into any of the Ports, Harbours, or Creeks, of this Settlement or its Dependencies.

And I hereby direct and ordain, that any such Vessel legally convicted of attempting Commerce or other Intercourse with the Inhabitants, or entering into the Ports, Harbours and Creeks aforesaid, except in the case of extreme danger or necessity, to be proved by

the Captain or Crew, such Vessel and her Cargo shall be confiscated; and if such Vessel is driven by extreme necessity into the Ports, Harbours, and Creeks of this Settlement or its Dependencies, that, and in such case, they shall be only permitted to trade or traffic, to supply their most pressing wants, and that notice of such wants, and the name or names of the Parties contracting to supply, or who have supplied the same, shall be immediately transmitted to the Colonial Office, for my information, or for that of the Governor for the time being, with an exact account of the nature of the supply sought and given, and its amount; and any Inhabitant or Inhabitants legally convicted of holding any other than this limited intercourse with Slave Ships, or Vessels employed in the Slave Trade, shall, besides confiscation of all Property purchased or exchanged with such Ship or Vessel, be liable to a fine of 1000 Rds.

All forfeitures and Confiscations under this Act, shall be applied in the following manner:—One-third to the Informer convicting, one-third to His Majesty's Fiscal or other Officer prosecuting to conviction, and the remainder to His Majesty's Government.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 27th day of November, 1812.

(Signed) J. F. Cradock.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

Government Advertisement.

NOTICE is hereby given, that in future no Person will be allowed to erect any Brick-kilns on the Land situated between the Castle and the Military Lines, unless the

consent, in writing, of the Commanding Officer of Engineers is previously obtained and registered in the Office of His Majesty's Fiscal.

Castle of Good Hope, 8th January, 1813.

By Command of His Excellency the Governor,
(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency Lieutenant-General
Sir John Francis Cradock, &c. &c.*

WHEREAS it appears, that one Skilling per Ton is levied indiscriminately upon all Merchant Vessels putting into the Ports of this Colony, by which Regulation those that arrive through Distress, or with a view to obtain Refreshments, are equally charged with Vessels that land Investments, or load and deliver Cargoes :

And whereas it appears but reasonable, that some distinction should be made, it is hereby ordered and directed, that in future a Port Due of two Skillings per Ton shall be levied upon all Ships or Vessels coming into any of the Bays or Harbours of this Settlement, for the purpose of Trade ; but only one Skilling per Ton (as heretofore) upon all such Vessels as are obliged to touch here on account of Distress or for Refreshment.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 15th Day of January 1813.

(Signed) J. F. Cradock.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency Lieutenant-General
Sir John Francis Cradock, &c. &c.*

WHEREAS by the Laws now in force, there is no limited time for the duration of the Imprisonment of any Person or Persons, against whom an Execution for Debt Process of Court, or Precept or Warrant of any Court or competent authority, in the nature of an Execution for the levying of any fine or fines, penalty or penalties is issued for the non-payment of such debt and costs, or such fine or penalty, as such Debtor or Debtors, Offender or Offenders, are ordered and commanded to pay ; but such Debtor or Debtors, Offender or Offenders, are thereby committed to Prison, until such time as they can pay or satisfy such debt, fine or penalty, so that it may happen a Person may be confined many months, for a small sum of money.

Now be it hereby declared, ordained, and enacted, that no Person or Persons whatsoever shall be confined for any debt, fine, penalty, or contempt of Court or other Authority, not exceeding the sum of Twenty Rix-dollars, more than one month ; and every Magistrate, Fiscal, Deputy Fiscal, Landdrost or Deputy Landdrost, or others having the care, custody, or superintendence of any Prison or Place of Confinement, is hereby ordered and directed to discharge from such Prison or Place of Confinement, at the end of such month, such Person or Persons, without demanding or receiving any Fees or other Expenses than that of their Diet, at the rate of 10 Stivers for each day.

And whereas it has occurred, that a Debtor or Debtors have been confined for a long and indefinite period of time for small debts not exceeding 50 Rds. be it enacted and ordained, and it is hereby enacted and ordained, that no Person shall be detained in Prison for more than six Calendar Months, for any original Debt not exceeding 50 Rds. exclusive of all costs of suit ;

and the Fiscal, Deputy Fiscals, Landdrosts, Deputy Landdrost, and all others having the care and superintendence of Jails, Prisons, or Places of Confinement, are hereby directed and commanded to liberate all and every Person or Persons so confined, at the expiration of six Calendar Months, as aforesaid, and all and every Person is forbidden again to arrest for such Debt aforesaid, any Person or Persons so liberated; but nothing herein shall be construed to discharge such Debt or Debts, or to deprive the Creditor or Creditors of any and every other remedy against the Goods, Lands, or Property of such Debtor or Debtors, which now exists by Law.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope, this 5th day of February 1813.

(Signed) J. F. Cradock.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

Proclamation ⁽¹⁾ *by His Excellency Lieutenant-General*
Sir John Francis Cradock, &c. &c.

WHEREAS it is most just, that every Person or Persons, as far as practicable, should contribute equally to the burthens public necessity impose; and whereas it has been represented to me by the Landdrosts and other most respectable Persons, that such of the Burghers and Inhabitants who reside upon and hold Places near the Great Public Roads, are obliged to furnish Waggon and Horses to Persons employed upon the Public Service, and hitherto without compensation:

⁽¹⁾ *Vide* § 3 Proclamation 16 July 1806, p. 17.

Now be it hereby enacted and declared, that all and every Person furnishing Horses and Waggon to Persons authorised to demand them, shall be entitled to see the original Order, signed by the Colonial Secretary, and shall also be entitled to require a Copy of such Order, signed by the Party to whom he furnishes such Waggon or Horses, or other accommodation thereby directed, certifying the Order has been obeyed; and it is hereby declared and enacted, that the Landdrosts and Heemraden shall, at their annual making up of the Opgaaf and levying of District Taxes, pay such Person or Persons producing such Copies of such Orders, and such Certificates that they have been obeyed, a fair and reasonable compensation, and collect the amount of such payments from the Inhabitants of the District at large, in addition to the other Taxes. ⁽¹⁾

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 12th day of March 1813.

(Signed) J. F. Cradock.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

Government Advertisement.

THE two great pursuits that seem universally on the present day to occupy the attention of that portion of the civilized world which is not actually engaged in war, or involved in its mournful consequences, are the more extensive circulation of the Holy Scriptures, and the solid establishment of such a System of Education as will enable the People to reach and behold the Divine Light contained in those Sacred Writings.

All that will inspire benevolence, charity, and

⁽¹⁾ *Vide infra*—Proclamation, 26 Aug. 1814, § 15 and 14 Feb 1817.

peace among men,—all that will promote good order in society,—all that will make the faithful Subject, as well as the useful and amiable Individual ;—in fine, all that will crush vice, and rear up virtue,—that will secure happiness in this life, and afford the best hopes of Heaven in the world to come, is to be found therein.

Therefore the good, the wise, and philanthropic part of mankind have now devoted themselves to the plain and practical consideration of such measures as will secure the great effect in view—the Study of the Scriptures.

“ Education alone can accomplish it.”

Unless then a due proportion of Education, by the operation and authority of Government, prevail in a Country throughout all classes of its Inhabitants, every reflecting man will deem it vain and a waste of good intention and generous spirit, to expect that the unconnected distribution of the Bible can produce that expanded knowledge of Sacred Truth, which, in the comprehensive and undistinguishing view of humanity, should be the lot of all.

An appeal is therefore now made to the whole Inhabitants of this great Colony, to establish a System of Education that will give the required understanding of the Scripture, and at the same time lay the foundations, among the humble ranks, of civilised, moral, and industrious life.

Were any incitement wanting but that of the benevolent and patriotic spirit inherent in the Settlement, observation may be directed to the words and acts of all the good and great in Europe, displayed in every recent publication ; and it will be seen, that the highest and most illustrious names have led the way, and that even the whole splendor and influence of Royalty, throughout all its branches, is united in this sublime work.

It has been in the contemplation of this Government to direct a general Taxation through the several Districts, commensurate with the expences (however fluctuating) of School Education within the Province; and nothing, if through necessity it be resorted to, can be more just and equal, than the operation of this assessment. But rather let it be now assumed with confidence, that a cold and calculating measure of this nature will not satisfy the impatient ardour of the Public, and that the whole Body of the Community, according to their ability, will anxiously press forward to create a common and extensive Fund, which will alike secure the incessant distribution of the Scriptures, and the uniform progress of Education.

The School Commission, to whom the Government and the Public are so much indebted for their zealous and enlightened labours, will be earnestly solicited, not only to continue but enlarge their sphere of superintendence and action; and with assurance it is admitted, that as the means to do good and promote the best interests of the Colony will be encreased and placed under their guard, they in proportion will overlook the additional trouble imposed upon them, and gladly enter upon a further task that promises so heartfelt a reward.

The Governor will in future be stiled "The Patron of the Bible and School Commission," the designation hereafter of the Establishment, that he may invariably give the whole weight of Government to the progress of the Institution, and the aid and support of its Finance.

The Colonial Secretary will also be added to the Bible and School Commission, that the most direct means may be pursued to advance and accelerate its operations.

The Military Chaplain and the Minister of Simon's Town will be appointed regular Members; and the

Clergymen of the Country Districts, being already Honorary Members, are expected upon their visits to Cape Town, to more fully impart to the Bible and School Commission the circumstances of their respective Parishes, and communicate whatever, in their opinion, is likely to aid the special object in view.

The expenditure of the Fund in agitation will be laid before the Public in the Gazette, at the expiration of every six months, and a detailed account given of the Bibles distributed in each required Language, and of every other measure adopted to widely extend "Religious Education."

The respective Contributions, with the aggregate Sum, will also appear in each succeeding Paper.

They will be received by the Deputy Colonial Secretary, Receiver General, Directors of the Bank, Secretaries to the Orphan Chamber and School Commission, Deputy Fiscal at Simon's Town, and all Landdrosts, Deputy Landdrosts, and Clergymen in the Country Districts, and deposited in the Discount Bank.

Every well-wisher to this Colony, in the just pride to place it upon the foundation and in the rank it may so well aspire to; every friend to the human race has now the opportunity to substantiate his sentiments, and by positive act, shew that gratitude to the protecting Deity, so much called for, if he duly reflects upon the peace and security, the ease and comfort this Settlement enjoys beyond the lot, perhaps, of any other portion of the Globe.

Castle of Good Hope, 1st July 1813.

By Command of His Excellency the Governor,
(Signed) H. Alexander, Secretary.

* * The smallest Contributions will be esteemed proofs of the same Religious and Patriotic spirit as the highest Donations.

Government Advertisement. (1)

HIS Excellency the Governor has been pleased to establish the following Regulations, for the conduct of all Persons applying for Grants of Land, and the conduct of the respective Commissions, whether Landdrost and Heemraden, or others, to whom such applications are referred by His Excellency:—

ART. 1. His Excellency declares his intention of only granting Lands for ever, on a reservation of Quitrent.

2. His Excellency will make no grant unless upon a Survey and Diagrams regularly executed and prepared by the Surveyors appointed by Government.

3. Persons applying for Land shall specify in their applications to Government, whether it is a wholly new establishment they seek to make,—whether the Lands are already occupied and cultivated by them,—or are adjoining to their other Property.

4. Parties applying for Lands shall also state what other Places they possess, and upon what tenures, and in what Districts their Properties lie.

5. Parties applying for Land shall state the number of their Slaves, Male and Female,—of their Horses, Mules, and Oxen,—their Stock in Sheep, Goats, or other Cattle, or satisfy the Commission of their capital in Money, or other new means of cultivation.

6. The Commission shall make minute inquiry into the truth of such statements, as far as in their power, and report specifically upon every application, their opinion of its accuracy, and whether in their judgment, the Applicant has the intention and means of cultivating the Land applied for, either from his own resources, or the aid of friends and relations.

7. His Excellency expects the respective Commis-

(1) *Vide supra* Proclamation 16 October 1812, p. 117.

sions will preserve inviolate rights of Roads and Uitspan Places to the Public.

Castle of Good Hope, 23d July 1813. ⁽¹⁾

By Command of His Excellency the Governor,
(Signed) H. Alexander, Secretary.

Proclamation ⁽²⁾ *by His Excellency Lieutenant-General*
Sir John Francis Cradock, &c. &c.

WHEREAS Agriculture constitutes the chief source of prosperity in this Colony, and the full encouragement thereof must consequently have an immediate tendency to promote the real interests of its Inhabitants; whereas this encouragement chiefly depends on the certainty of Tenures, and the confidence connected therewith,—that all improvements of the soil, and all encrease of fertility, should indisputably belong to the holder, as his own, and that in the ordinary course of things all his arrangements, as well with respect to the produce as to the Land itself, should by the Laws be exclusively secured to him, his Heirs, Executors, Assigns, or Representatives: Whereas, although the establishment of Loan Leases might have been suitable to the early state of this Colony, when the wants of Government were not foreseen, it now appears from experience, that the Loan Tenure is injurious to that certainty, so essential to the happiness and the interest of the Inhabitants, and equally injurious to the public Interest, by preventing the holders from appropriating as much of their means to the improvement and extension of Agriculture, as they would do, in case they had no right of re-assumption to apprehend, and might dispose of the Ground as they please, by subdividing the same among their Children, letting, selling, or otherwise alienating it in lots,

⁽¹⁾ *Vide infra* Proclamation 6th August 1813.

⁽²⁾ *Vide supra* Proclamation, 16th Oct. 1812, p. 117.—Government Minute, 23d July 1813, p. 141.

cultivating it in the prospect of remote benefit, by the planting of Timber, &c.

Whereas notwithstanding a gradual re-assumption of Loan Lands, and the re-granting of the same in lesser portions, on a more certain Tenure, might considerably encrease the Colonial Revenue, yet having taken into consideration the great utility of no longer delaying the improved cultivation of Land, by giving security to Title, and of making the same, as speedily as possible, a general measure, I have adopted the following determination:—"To grant to the holders of all Lands on Loan, who may regularly apply for the same, their Places on Perpetual Quitrent, with the following rights and privileges, and on the following terms and conditions, viz:

1. Every holder of a Loan Place, on his making application by Memorial to Government for the purpose, shall have a grant of his Place on Perpetual Quitrent, to the same extent as he has hitherto legally possessed the same on Loan.

2. No Loan Place, shall exceed Three Thousand Morgen, every addition to that quantity of Land must be particularly mentioned to the Surveyor and Commission, and appear upon the face of the application, for His Excellency's consideration.

3. The holder by this grant shall obtain the right "to hold the Land hereditarily, and to do with the same as he may think proper, in like manner as with other immoveable Property, as also, should he deem advisable, to sell or otherwise alienate it, with the usual previous knowledge of Government, either partly or wholly as, free and allodial property."

Government reserves no other rights but those on Mines of Precious Stones, Gold, or Silver; as also the right of making and repairing Public Roads, and raising materials for the purpose, on the premises: other Mines

of Iron, Lead, Copper, Tin, Coals, Slate, or Limestone, are to belong to the Proprietor.

5. In all Places adjoining to the sea, or communicating with the sea by inlets therefrom, the rights of the Crown are reserved, with the power of re-assumption of any quantity of Land, not exceeding twenty Morgen, paying the Proprietor for such Buildings as he may have erected, according to a fair valuation; provided such Ground be wanted for public purposes, and if given up by the Crown, it shall not be transferred to another Individual, but revert to the Proprietor or his Representatives.

6. In all Judicial Decisions regarding Perpetual Quitrent, the same rights, laws,* and usages shall be observed, which have hitherto been acted upon, or which may hereafter be established, enacted, and followed in Judicial Decisions, with respect to Freehold Lands.

7. That for this, in the common course of things, irrevocable Title, the Holders shall pay to the Public Revenue an increased yearly Rent, to be prescribed according to the situation, fertility, and other favourable circumstances of the Land; in no case, however exceeding a sum of Two Hundred and Fifty Rixdollars.

8. For the Survey of a Loan Place to be granted on Perpetual Quitrent, the Land Surveyor, exclusive of the diagram, travelling expences, and waggon hire, shall not charge more than 100 Rds. unless he may be obliged, from local difficulties, to appropriate more than five days to make the Survey, in which case he shall be allowed to charge 10 Rds. for every day over and above that time;—the respective Landdrosts are therefore directed to pay strict attention hereto, when any account be presented to them to be paid out of the District Treasury, as mentioned in the Government Advertisement of the 16th July last.

9. On the Division of any Place, granted on Perpetual Quitrent, each part, and its holder shall be severally bound and responsible for the full amount of the Rent, in such manner however, that he who makes the payment may recover from the other holders, for as far as regards their respective shares; unless at the request of the interested parties, on making the division, Government may have been pleased to direct, that the Rent shall be apportioned and registered proportionably at the time of the Transfer.

10. That in order to ensure the necessary regularity, as well as the interest of the State, no alienation of any part of such Place shall be considered as legal, before the same shall be surveyed, a diagram made thereof, and regularly transferred before Commissioners of the Court of Justice, as likewise duly registered in the Office of Land Revenue.

11. This Perpetual Quitrent shall further not be liable to any other burthens but those to which all freehold Lands are already subject, or which may hereafter be further prescribed.

12. All applications for the conversion of Loan Lands into Perpetual Quitrent, with the privileges attached thereto by this present Proclamation, must be made within twelve months from the date hereof; after the expiration of which period the said rights, privileges, terms, and conditions, shall be subject to such alterations as circumstances shall be found to require.

13. The Title Deed (Erfgrundbrief) on such application shall be granted after the Place shall have been surveyed, with the previous knowledge of, and if necessary pointed out by, the Landdrost, by a Sworn Land Surveyor, and a proper Diagram of the same forwarded to Government by the Landdrost, accompanied by his certificate, that the measurement was made without prejudice to any person; and also that the Diagram does not contain any

greater extent of Ground than was legally possessed on Loan by the holder.

14. By the Regulations made in these presents, it is not to be understood that the right of re-assumption, increase of rent, or other arrangements regarding Loan Places, which undoubtedly belong to the Government of this Colony, and which have been, from time to time, exercised by the successive Governments of the same, are in anywise curtailed, or intended to be curtailed, unless when the parties obtain an alteration in their Tenure, on the terms proposed.

15. In order to prevent all misunderstanding, it is hereby specially declared, that the right which belongs to Government, with respect to attached Places, is in no wise done away by this measure, and consequently, that those Places remain subject to all such further Regulations as they would have been liable to, in case this Proclamation had not been issued.

16. Loan Places attached to the respective Drostdies, Deputy Landdrosts, or the Parsonages of the Clergy, remain, as they are, public property, to be transmitted to their successors. But where Field-Cornets, or other Public Functionaries, are excused from paying Rent for a Loan Lease of their own as part of the remuneration for their public services,—in all such cases where the party solicits and obtains a change of Tenure, for the purpose of dividing it amongst his family, or other motives, he shall not be liable to the raised Rent, during the time he is employed in the Public Service, and the new Rent shall commence at the expiration of such services, by death or otherwise.

17. The whole tenor of the foregoing Regulations will manifest the paternal view His Majesty has taken of this Colony; and, in deeply considering the permanent interest of the Occupiers of Lands, to what extent the Crown has resolved to sacrifice its rights and prero-

gatives, in order to place property upon that solid and secure foundation, without which fair adventure and speculation cannot arise, and even common industry and labour will lose much of its effects.

Thus at length is this great measure matured and brought forward. It is the one that has long engaged the attention and anxious wish of each preceding Government, but which could not well admit of conclusion, except in times like the present—of unexampled tranquillity, uniform progress in civilization and good order, and the unbounded prospect of universal prosperity.

I feel the highest gratification in giving effect to these beneficent and paternal designs of His Majesty's Government; and persuade myself, that the gratitude of the Inhabitants of this Colony will be equal to the value of the inestimable gift thus extended to them on the part of the Crown, which by graciously offering to their acceptance a perfect Title to Lands, that enables them to provide for their Children and Descendants, and dispose of them as they please—grants to them, in fact, possession of an Estate, and the high character and station of "a real Landholder."

They will thereby abandon an unworthy Tenure, unfitted to the growing prosperity of the Colony, and only suited to the earliest and rudest Institutions of the Settlement; and being thus placed in their territorial possessions, on the same footing as their fellow subjects in Europe, the Cape of Good Hope in future may, with fair pretension, take its rank with other countries.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual. ⁽¹⁾

Given under my Hand and Seal, at the Cape of Good Hope, this 6th day of August 1813.

(Signed) J. F. Cradock.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

⁽¹⁾ *Vide infra* Proclamations 3d June 1814, and 23d Dec. 1814.

*Proclamation by His Excellency Lieutenant-General**Sir John Francis Cradock, &c. &c.*

WHEREAS it was judged expedient to prohibit Vendue Masters, Secretaries of the Orphan and Insolvent Estates Chambers, also all other Public Officers presiding officially over any Public Sale, to make any purchase at the Sales they attend in their official capacities, and which prohibition was made public by the Proclamation of the 27th December 1805, I have thought proper to renew the said Proclamation in all that spirit and honor due to its peculiar case (for “*misfortune*” is the most concerned), and therefore hereby order and command:

That from henceforth the Vendue Clerks or Auctioneers at any of the common Sales, or at such as are held by the Orphan Chamber, or by the Chamber for Regulating Insolvent Estates, or any other Sale held by Public Authority, shall not be allowed to bid for, much less to purchase, any Goods put up by them to sale, either directly or indirectly, either in the name or through the means of any other person, be it who it may, or in their own names, or in trust for themselves or their children, on pain of the bargain being void and the forfeiture of their situation, and a fine of three times the real value of the article so purchased, besides the offending party being declared “*infamous*” evermore.

That also the Vendue Masters, the Secretaries of the Orphan Chamber and Insolvent Estates Chamber included, and likewise other Public Officers presiding officially over any Public Sale, shall not themselves come forward at the Sale they attend in their official capacities to make any purchase, but shall be obliged, if they are so inclined, to give permission, without the knowledge of the Auctioneer, to any other person to purchase for them, so that neither the Auctioneer nor

the Public shall know at the time of sale that the articles are bidden for on behalf of the Vendue Master, Commissioner, &c. on pain of nullity, exposure to infamy, and arbitrary correction.

It is the imperious duty of all the above Public Officers to lend their utmost aid, that the Goods and Effects of the Parties interested be disposed of as advantageously as possible. ⁽¹⁾

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope, this 3d day of September 1813.

(Signed) J. F. Cradock.

By His Excellency's Command,

(Signed) H. Alexander, Secretary,

*Proclamation by His Excellency Lieutenant-General
Sir John Francis Cradock, &c. &c.*

WHEREAS by Proclamation of the 13th August last, it was enacted, that the Duty of Three per Cent. directed to be levied on all Goods, Wares, and Merchandize, of the growth, produce, or manufacture of Great Britain and Ireland, which shall be imported into this Settlement or its dependencies, from any part of His Majesty's Dominions, in British-built Vessels, owned and navigated as by Law directed, should be rated and collected according to a Schedule or Book of Rates and Valuations inserted in the said Proclamation.

And whereas I have thought it necessary to make some alterations in the Schedule above alluded to, I hereby annul and repeal the same; and further order

⁽¹⁾ *Vide* Proclamation, 2d May, 1806, page 15.

and direct, that the said Duty of Three per Cent. shall in future be levied according to the undermentioned Tariff, and that an *ad valorem* Duty shall be paid on all such British Articles as are not therein enumerated :

			<i>Rds.</i>	<i>Sk.</i>
Ale and Beer, per Hogshead,	-	-	50	0
Ditto, in Bottles, per Dozen,	-	-	4	0
Anchors, per Cwt.	-	-	10	0
Anvils, per ditto,	-	-	12	0
Alum, per ditto,	-	-	10	0
Anchovies, (see Oilmen's Stores.)				
Beads, per lb.	-	-	0	2
Books, ad valorem,				
Bricks, per thousand,	-	-	20	0
Brimstone, per Cwt.	-	-	10	0
Brass Ware, ad valorem.				
Brooms, (see Turnery.)				
Boots, per Pair,	-	-	14	0
Canvas, British, broad, per Bolt,	-	-	35	0
Cordage, per Cwt.	-	-	30	0
Candles, Wax, per Cwt.	-	-	75	0
----- Spermaceti, per ditto,	-	-	60	0
----- Tallow, per ditto,	-	-	20	0
Chalk, per ditto,	-	-	5	0
Cordials, per dozen,	-	-	12	0
Carriages, Gigs, each,	-	-	400	0
----- Curricles,	-	-	800	0
----- Phaetons,	-	-	1000	0
----- Chariots,	-	-	1000	0
Clocks, each,	-	-	75	0
Coals, per Chaldron,	-	-	45	0
Corks, per Gross,	-	-	1	0
----- per Cwt.	-	-	20	0
Carpeting, English, per yard,	-	-	2	0
----- Scotch,	-	-	1	0
----- Turkish, imitation,	-	-	6	0
Cards, Playing, per dozen Packs,	-	-	12	0

				<i>Rds.</i>	<i>Sk.</i>
Chocolate, per Cwt.	-	-	-	50	0
Copper, Sheet, per ditto,	-	-	-	75	0
—— Nails, per thousand,	-	-	-	75	0
—— Wrought, ad valorem.					
Copperas, per Cwt.	-	-	-	10	0
Cabinet Ware, ad valorem.					
Cutlery, ditto,					
Confectionery, ditto,					
Cotton, manufactured, ditto,					
Cards, Wool, per dozen Pair,	-	-	-	10	0
Drugs, ad valorem.					
Earthenware, ditto.					
Fishing Nets, per Fathom,	-	-	-	0	4
Fish, Stock, per Cwt.	-	-	-	10	0
Flints, per thousand,	-	-	-	10	0
Fowling Pieces, each	-	-	-	100	0
Furniture, ad valorem,					
Gall Nuts, per Cwt.	-	-	-	25	0
Glue, per ditto,	-	-	-	12	0
Glass, Window, per 100 square feet,			-	15	0
Glass Ware, ad valorem.					
Gunpowder, per Cwt.	-	-	-	75	0
Garden Seeds, free.					
Gloves, (see Haberdashery.)					
Grocery, ad valorem.					
Grindstones, each,	-	-	-	10	0
Hemp, manufactured, imitation Ducks and Linen, ad valorem.					
Hair Powder, per Cwt.	-	-	-	50	0
Horse Hair, ditto,	-	-	-	50	0
Harness, (see Saddlery.)					
Hops, per Cwt.	-	-	-	75	0
Hides, tanned, per Cwt.	-	-	-	50	0
Hats, fine Beaver, each,	-	-	-	10	0
—— Plated,	-	-	-	5	0
—— Coarse,	-	-	-	3	0
—— Felt, or Negro,	-	-	-	1	0

	<i>Rds.</i>	<i>Sk.</i>
Hats, Straw, - - - -	3	0
Handspikes, per dozen, - - -	12	0
Haberdashery, viz : Threads, Tapes, Ribbons, Gloves, &c. ad valorem.		
Iron, in Bars, British, per Ton, - - -	120	0
— Hoops, - - - -	160	0
— Pig, - - - -	50	0
— Spades, per dozen, - - -	12	0
— Shovels, - - - -	10	0
— Sickles, - - - -	8	0
— Smiths' Vices, per Cwt. - - -	15	0
Isinglass, per Cwt. - - -	500	0
Ironmongery, ad valorem.		
Jewellery, ditto.		
Junk, per Cwt. - - - -		
Linen and Flax, manufactured, ad valorem.		
Lead, Sheet, per Ton, - - -	200	0
— Pig, - - - -	150	0
— Shot, per Cwt. - - -	20	0
Leather, manufactured Morocco Skins, each,	3	4
— Calf Skins, ditto, - - -	3	0
— Kid ditto, ditto, - - -	3	0
Looking Glasses, ad valorem.		
Medicines, (see Drugs.)		
Musical and Mathematical Instruments, ad valorem.		
Mill Stones, each, - - - -	100	0
Millinery, ad valorem.		
Nails, per Cwt. - - - -		
Oilman's Stores, (see Provisions.)		
Oakum, per Cwt. - - - -	20	0
Oil, Linseed, per Gallon, - - -	2	0
— Rape, - - - -	2	2
— Salad, per dozen Bottles, - - -	18	0
— Turpentine, per Gallon, - - -	3	0
Oilcloth, per Piece, - - -	10	0
Ochre, red and yellow, per Cwt. - - -	5	0
Oatmeal, (see Provisions)		

			<i>Rds</i>	<i>Sk.</i>
Paints and Colours, dry, per Cwt.	-	-	10	0
————— ground in Oils,	-	-	20	0
Paintings, Drawings, and Pictures, each, ad valorem.				
Pitch, British, per Barrel,	-	-	15	0
Paper Hanging, English, per Roll,	-	-	2	0
Plate, Silver, per Ounce,	-	-	2	0
Plated Ware, ad valorem.				
Pewter Ware, ad valorem.				
Pickles, (see Oilman's Stores.)				
Prunes, (see Grocery.)				
Provisions, British Beef, per Tierce,	-	-	20	0
———— ditto Pork, per ditto,	-	-	25	0
———— Tongues, per dozen,	-	-	25	0
———— Hams, per Cwt.	-	-	50	0
———— Bacon, - - -	-	-	40	0
———— British Cheese, per Cwt.	-	-	50	0
———— Pearl Barley, - - -	-	-	25	0
———— Oatmeal, - - -	-	-	12	0
———— dried, cured, pickled Fish, per Cwt.	-	-	10	0
Perfumery, ad valorem.				
Quicksilver, ad valorem.				
Rosin, per Cwt.	-	-	10	0
Steel, in Bars, per Cwt.	-	-	40	0
Stationery, ad valorem.				
Saddlery, ditto.				
Snuff, per Cwt.	-	-	50	0
Soap, - - -	-	-	15	0
Starch, ditto, - - -	-	-	50	0
Sugar, refined, ditto, - - -	-	-	50	0
Silks, manufactured, ad valorem.				
Shoes, common, per dozen,	-	-	12	0
———— fine or dress, - - -	-	-	36	0
———— Ladies', ditto, - - -	-	-	36	0
———— Children's, - - -	-	-	6	0
Staves, Pipe, per thousand,	-	-	250	0
———— Leagner, British, - - -	-	-	300	0
———— Stukvat, - - -	-	-	1000	0

Rds. Sk.

Other Staves, in proportion to the above.

Spars, ad valorem.

Sponges, per Cwt., ad valorem.

Shrub, per Gallon, - - - 3 0

Tar, British, per Barrel, - - - 20 0

Turnery, ad valorem.

Toys, ad valorem.

Telescopes, (see Mathematical Instruments.)

Tin, per Box of 200 Sheets, - - - 15 0

--- Pig, per Cwt. - - - 15 0

Tobacco, manufactured, per Cwt. - - - 21 0

Tobacco Pipes, per gross, - - - 5 0

Tallow, per Cwt. - - - 15 0

Twine, (see Hemp manufactured.)

Tiles, small, per thousand, - - - 250 0

--- large, ditto, - - - 550 0

Upholstery, ad valorem.

Varnish, per Gallon, - - - 2 0

Vinegar, per ditto, - - - 1 0

Wax, Bees' per Cwt. - - - 50 0

Wine, Perry, per Hogshead, - - - 75 0

-----per dozen, - - - 6 0

--- Cyder, per Hogshead, - - - 50 0

-----per dozen, - - - 6 0

Watch Glasses, per gross, - - - 10 0

Watches, (see Jewellery.)

Woollens, manufactured, ad valorem.

Yarn, Cotton, per pound, - - - 0 2

And that no Person may plead ignorance hereof,
this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of
Good Hope, this 1st day of October 1813.

(Signed) J. F. Cradock.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency Lieutenant-General**Sir John Francis Cradock, &c. &c.*

WHEREAS it has been represented to me, that Executors of Wills very often take upon themselves, and enter into, the administration and possession of Estates, without the proper precautions prescribed by Law, and continue therein for a certain length of time, notwithstanding the notorious insolvency of such Estates; and that, although the fundamental principles of Law, with respect to the entering upon, or repudiating of inheritances, and the consequences which result therefrom, should be sufficiently known: And although the 10th and 12th Articles of the Instructions for the Insolvent Estates Chamber, prescribing what they have to do in that respect, the same however seem not to be sufficiently known or acted upon, it has appeared to me to be useful to make known, and declare by way of amplification of the said Articles, and referring to the same, that Executors, as soon as ever they perceive an Estate to be Insolvent, should be obliged immediately to deliver the same over to the Chamber of Insolvency, and not to consider by so doing as discharged from their responsibility, but, on the contrary, remain accountable to the Creditors or other interested Persons, for all hereditary Acts executed by them, as well as for other damages or injuries which may be occasioned to the Estate by their administration or neglect; while also the Chamber of Insolvency, after taking over the administration, perceiving any such neglect or damage, is hereby qualified and obliged, for the interest of the joint Creditors, to act in such manner as the nature of the case and the prescriptions of the Laws require.

And whereas some doubts have arisen, whether what is prescribed by the 53d Article of the Instructions for the Insolvent Estates Chamber against private Persons

retaining in their possession Goods belonging to the Estates, specified in the 52d Article of said Instructions, should also be extended *nominatim* to Insolvent Estates. I hereby further declare and make known, that what is prescribed therein is likewise applicable to all Insolvent Estates.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope, this 15th day of October 1813.⁽¹⁾

(Signed) J. F. Cradock.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

Government Advertisement.

NOTICE is hereby given, that is Excellency the Governor and Commander in Chief has been pleased to approve of the following Tariff, according to which the several Sworn Translators shall be paid for their Translations:—

	Rds.	Sks.
For translating a Letter or other Document of one sheet or less, - - - - -	3	0
For every subsequent page containing 18 lines, each line 30 letters,—per page, - - - - -	0	5
For interpreting in one and the same Case, —per hour, - - - - -	3	0
For ditto in several Cases,—for each Case, - - - - -	3	0

Castle of Good Hope, 22d October 1813.

By Command of His Excellency the Governor,

(Signed) H. Alexander, Secretary.

⁽¹⁾ *Vide* Ordinance No. 104—1833, § 8.

Government Advertisement. ⁽¹⁾

NOTICE is hereby given, that His Excellency the Governor and Commander in Chief, after having taken the opinion of the Worshipful the Court of Justice, has been pleased to alter the Tariff of the Fees hitherto paid to the Notaries Public, and to direct, that they shall be permitted to charge in future according to the present Tariff.

Castle of Good Hope, 21st January 1814.

By Command of His Excellency the Governor,

(Signed) H. Alexander, Secretary.

TARIFF.

	<i>Rds. Sks.</i>	
Minuting and Copy of a Bond without Security - -	1	0
Ditto with Security, - - - -	1	4
Transfer of Slaves and Copy, - - - -	1	0
Minuting an ordinary Will with a Copy, in the class of £6000, - - - -	3	0
Ditto ditto upwards of £6000, - - - -	5	0
If further extended, for every page containing not less than 18 lines, and 30 letters in a line, in both classes, - - - -	0	3
Double by night.		
Superscribing a sealed Will, - - - -	3	0
Acts of Donation <i>inter vivos</i> , and <i>causa mortis</i> , -	2	0
Acts of Assignment, Guarantee, Indemnification, Acquittal, entering upon Administrations, Repudi- ation, and Authorisation, as also all Acts of such nature, - - - -	1	0
Bottomry Bond with Copy, - - - -	2	0

⁽¹⁾ *Vide infra* Proclamation 26th May 1815.

	<i>Rds. Sks.</i>	
General Power of Attorney, - - -	1	2
General and Codicillary Powers of Attorney to Persons abroad, with Copy, - - -	2	0
Special Power of Attorney, - - -	1	0
Bills of Exchange, if necessary, with two Copies, -	2	3
Acts of Substitution and Surrogation, - -	1	0
Act of Sealing and Unsealing, with Copy, -	2	0
Inventories of Estates, for each page of 18 lines, each line containing 30 letters, - -	0	4
Acts of Sale, Letting on Lease, Agreement, Contract, Accounts of Estates, Protests, Insinuations, Attestation, Declaration, Revocation, Cession, and Certificates, according to the size, minuting each page containing lines and letters as above, -	0	3
And for copying the same :		
For all Copies, without distinction, per sheet, -	0	4
A Contract previous to Marriage, - -	2	0
But should it be of a greater extent, and by which a Testamentary Disposition is made, then on the same footing as above-mentioned for Wills.		
For signing and authenticating all Acts, without distinction, with or without Witnesses, - -	0	4
All exclusive of the attendance, in case such Acts may not be executed at the Office of the Notary, and also exclusive of the Stamp.		
For going anywhere within this Town, -	0	4
Ditto outside ditto, - - -	1	0
Attendance by day, - - -	2	0
Double by night.		

Government Advertisement.

NOTICE is hereby given, that hereafter the Banns of all Marriages (English and Dutch) intended to be solemnized according to the forms of the Established Church of England, are to be published in an English Church

in this Colony, as Banns are now published in the Dutch Churches.

Castle of Good Hope, 26th February, 1814.

By Command of His Excellency Governor,

(Signed) H. Alexander, Secretary

*Proclamation by His Excellency Lieutenant-General
Sir John Francis Cradock, &c. &c.*

WHEREAS with much concern I have learned, that the mistaken notion and habit still prevail, that the shooting or otherwise killing of Prisoners, ⁽¹⁾ who attempt to escape, or the shooting or otherwise killing of others, who may be apprehended, if done after having called out to them three times "*to stand!*" is considered as a lawful practice;—and whereas it has recently appeared, that this error has given rise to very cruel transactions, I have therefore judged proper, in order to prevent the evil consequences which may further result therefrom, to declare, as I hereby do declare accordingly, that in cases of homicide, the calling out of "*stand!*" without special order from the competent Magistrate, shall by no means be admitted as a sufficient excuse of itself, and shall be only taken into consideration by the Courts of Justice, for as far as connected with other lawful mitigating circumstances, that of calling out "*to stand!*" may and ought to have due influence on the mind of the Court, according to the principles of an impartial and equitable administration of Justice. ⁽²⁾

I hereby further order and direct the Worshipful the Courts of Justice, His Majesty's Fiscal, and all other higher and inferior Magistrates, strictly to observe, and to cause to be observed, this my declaration; as

⁽¹⁾ *Vide* Ordinance, No. 9—1825.

⁽²⁾ *Vide* Ordinance, No. 2—1837.

also in particular, to make the same known in the clearest manner possible to every one especially in the Country Districts.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 24th day of March 1814.

(Signed) J. F. Cradock.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

Proclamation ⁽¹⁾ *by His Excellency Lieutenant-General Sir John Francis Cradock, &c. &c.*

WHEREAS it appears necessary and befitting the growing prosperity of this Colony, throughout which the communications from all parts, even the most distant, (so different from old times) are now become easy and frequent, that all transactions, of every degree, should be directly placed under the immediate view and active controul of the Supreme Authority; and whereas above all others, it is indispensably required, that every species of Taxation or imposition upon the people, as well in Cape Town as throughout every District, should in future not only arise with the Supreme Government, but be altogether dependent upon it, in every part of its operation;—and whereas it is further essential, that all Assessments throughout the Settlement should be made upon uniform, avowed, and universally known principles;—and whereas also, the Supreme Government, from its nature, from the superior information it commands, and the comprehensive view, of necessity, it impartially takes of the advantage of the whole Com-

(¹) *Vide Ordinance, No. 57—1829.*

munity, is alone qualified to accomplish so difficult a task, or diffuse that general satisfaction or contentment, so rarely to be found in every subject of this ungracious and peculiar cast, and which nothing will gain, but through the uncontroverted stamp of the highest authority.

I have therefore, from all these powerful motives, aided by the most able advice and highest legal assistance in this Colony, devoted the utmost attention to the whole consideration, and, in consequence, do hereby enjoin and promulgate the following Regulations, which will altogether confirm to the Inhabitants of this Settlement, the paternal regard of His Majesty's Government, and the unceasing vigilance and decided resolve, that every proceeding should bear the full character of positive Law, Equity, and impartial Justice, which it is firmly expected will be answered by becoming gratitude, and the due and cheerful obedience to the general regulations of the State.

1. That the Taxes throughout the Country Districts, Cape District included, shall be regulated on the same principles, and that as well the amount of all ordinary Taxes, as the objects for Taxation of the same, shall be equal in all and every District.

2. That the Cape District, to commence with this current year, shall have the administration of its own Finances, separated from Cape Town.

3. That the Taxes in Cape Town, and in the several Country Districts, shall be distinguished in Ordinary and extraordinary Taxes, the latter to continue only so long as the exigencies for which they are raised continue to exist.

4. That no Tax whatever shall be levied in any part of the Colony, without the previous sanction of Government and subsequent legal promulgation of the same by way of Government Proclamation.

5. That each Tax, as well Ordinary as Extraordinary,

shall always be levied separately, and entered in the same manner, so that it may be known to every Contributor what he has to pay for each Item of Taxation.

6. That in Cape Town the Ordinary Taxes are to consist in :

a) Hearth Money.

b) Ordinary Assessments.

And the Extraordinary Taxes in :

c) Contribution to the Water Pipes, and

d) Commando Tax.

7. That Hearth Money shall continue to be levied at the present rate, and a separate Account kept of the same, and that Ordinary Assessment, instead of the general way of Taxing each Person according to his apparent Wealth and Income, shall be Taxed according to his Income "alone," either arising from Office, Profession, Trade, Commerce, Slave Hire, and other sources of a Life Interest, or other temporary nature, or from Houses, Mortgages, Debts, &c. of a permanent and transmissible nature.

8. That the Extraordinary Assessments for the Water Pipes shall continue on the present footing, until the pleasure of His Majesty is received, according to the classification of Houses made by the Burgher Senate, and approved of by Government; which classification will be published for information.

9. That the Commando Tax shall be regulated after the Ordinary Assessment, by making a proportionate augmentation of the same.

10. That the Burgher Senate shall form a classification of the respective Incomes of the Burghers and Inhabitants of Cape Town, and make a proportional Assessment whereby the same Sum, now raised under the denomination of Ordinary Tax, Street Tax, and Extraordinary Assessments, be produced, and no more.

11. That this classification shall be laid before Government, and after having been approved of, shall be pro-

mulgated without the addition of any one's name, with the sole view of enabling those who, on learning the amount of their Assessment from the Burgher Senate, might deem themselves thereby aggrieved to seek for redress in a regular manner.

12. That any Individual who conceives his Income over-rated may, upon oath, class himself, liable to a penalty of five times the amount of the Tax when detected in a false classification, besides the usual penalty of perjury.

13. That in cases of Persons denying money due to them for the purpose of evading Taxes, upon a certificate given of such denial by the Burgher Senate, or other competent Magistrate, no suit at Law for the recovery of such debt shall be entertained in this Colony.

14. That in the Country Districts, the Ordinary Taxes are to consist in :

- a) Head Money.
- b) Tax on Cattle.
- c) Tax on Produce.

And the Extraordinary Taxes in :

- d) Commando Tax.
- e) Contribution for Waggon, Horses, &c. required for the Public Service of Government.

15. That the Ordinary Taxes are to be levied according to the hereunder inserted Tariff, viz :

Head Money.

All Heads of Families, Men and Women ; all	} 2½ Rds.
Men above 16 years, and all Women above	
20 years of age, per head, - - -	

Cattle.

Each head of black Cattle,	- - -	2	Stvs.
— Saddle or Waggon Horse,	- -	4	—
— Breeding Horse,	- - -	2	—
— 25 Sheep, Goats, or Pigs,	- -	6	—

Produce.

Each Muid of Wheat,	}						
———— Rye,			-	-	-	2	<i>Stvs.</i>
———— Barley,							
———— Oats,							
—— Leaguer of Wine,		-	-	-	-	16	—
———— Brandy,		-	-	-	-	36	—

16. That the Extraordinary Taxes in the Country shall be regulated after the same Tariff, by making a proportionate augmentation on the Items of Taxation.

17. That for the contribution of required Waggon, &c. no more shall be assessed than the actual amount, which is to be paid for the last year's requisition.

18. That the local charges in some Districts, viz :

a) Church Tax in Swellendam, George, Graaff-Reinet, and Uitenhage.

b) Turnpike in Swellendam and George.

c) Flying Bridge Toll, in Stellenbosch and Swellendam,

d) Tax on each Waggon-load of Timber, in George are to continue in these respective Districts, to wit: Church Money, until the Debts of the Church shall be duly discharged) at the rate of four Stivers per week for each Place, and two Stivers per week for each Erf ; which Tax shall in future also be levied in those Country Districts, where the Church is still charged with Debts ; and the three other charges according to the thereof existing Tariffs, which are also to be published for information.

19. That however Church Money shall only be paid for the Church of the Parish to which the Places and Erfs belong ; and Flying Bridge Toll, as well as Turnpike Toll, only by those who make use of the same.

20. That the Turnpike Toll at both the entrances of the Village of Swellendam shall cease, unless the

same shall by Government be deemed necessary for the repairs of the Roads in that District.

21. That the School Tax in the Country Districts, and in particular the contribution at Graaff-Reinet, for the Buildings of the Drostdy and the Water-dam, shall not be considered and levied as Extraordinary Taxes, but henceforth be comprehended in, and defrayed out of, the Ordinary Revenue of those respective Districts.

22. That for so far as any of the Inhabitants of the Country Districts may not have either Cattle or Place, or over and above such property, have any other income, whether from interest of money or other sources, such Inhabitant shall contribute in like proportion as those in Cape Town, and be subject to the same penalties in case of fraud.

23. That the wealth of the several Country Districts, in consequence of the different extent of population and produce in the same, being different also, the balance in favour of one District, shall be subject to the disposal of Government, in behalf of one or more of the other Districts.

It being expressly forbidden to exceed in any one District the ordinary expenditure, on account, or on the ground, of a balance in favour of the same, unless for reasons approved of by Government.

24. That the amount of receipt and expenditure in Cape Town, and the several Country Districts, shall at the expiration of every Twelve Months, be subject to be audited, as all other Public Accounts, and be made public in the weekly Gazette, in order to enable those who might have been aggrieved, to bring their complaint in a regular manner before the local Magistrate; and further, if need, to lay the same before me, or before the Governor for the time being.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 1st day of April 1814.

(Signed) J. F. Cradock.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

Proclamation ⁽¹⁾ *by His Excellency Lieutenant-General Lord Charles Henry Somerset, &c. &c.*

WHEREAS it has appeared necessary and convenient for the Inhabitants of that part of the Cape District extending from Muizenburg to Cape Point, or the Uiterste Hoek, to have an internal arrangement for their Magistracy, so as to obviate the necessity of referring all matters of Police and those relating to Lands to the Magistracy of Cape Town, and whereas the important change by which the Naval Station is now fixed at Simon's Bay, renders it probable that Simon's Town will not only be much enlarged and become extremely populous, but that it will be the rendezvous of much shipping touching here for Convoy. For these reasons, and by virtue of the authority by His Majesty in me vested, I have thought proper to direct, and hereby direct as follows:—

1. The District of Simon's Town shall be entirely separated from Cape Town and the Cape District, and form an Establishment apart under its own particular Magistrate, as hereinafter directed.

2. An ideal line from Muizenburg to the Noord Hoek will form the separation of the District of Simon's Town from that of the Cape. Should any doubt exist with regard to Places or Erven, which may be situated upon the line in question, the Landdrost of the Cape

⁽¹⁾ *Vide infra Ordinance No. 38.*

District will arrange the matter with the Magistrate of Simon's Town, who will henceforth be styled the Government Resident, according to the usual custom in the separation of Country Districts.

3. The Revenue arising from the Ordinary and Extraordinary Taxes, as established in the Proclamation of the 1st April last, and the Toll on Muizenburg Road, will in future be collected by the Government Resident of Simon's Town District, and the proceeds will be expended in defraying the necessary expences of the District, the accounts and vouchers for such expenditure are to be kept and audited in the manner pointed out in the 24th Article of the Proclamation of the 1st April aforesaid.

4. The Heads of Expenditure entrusted particularly to the Government Resident, are :

1st. The Repairs of the Wharf.

2d. The Repairs of the Government Civil Buildings.

3d. The Repair of the Roads, especially of that to Muizenburg, and the Repairs of the Streets ; but this will not include the formation of a new Road between Simon's Town and Muizenburg, which will be immediately commenced under special Instructions from me.

5. In order to meet the expence of these items, independent of the Taxes above alluded to, a rate of Wharfage for all Goods, not the property of His Majesty, will be established, and a charge allowed to be made against all Vessels frequenting the Port, except those in the King's Service, for Watering.

6. The Government Resident of Simon's Town will exercise the same authority within that District, as the Landdrosts do in their respective Districts.

7. The Government Resident of Simon's Town will report his proceedings, as far as they relate to good

order and the peace of the Town, to the Commandant of the Place, giving him an account of such Sailors or others, as he may have found necessary to confine, on the morning subsequent to their being taken up, at farthest ; but with respect to Finance, or disposition of Lands, or other things not connected with the breach of Peace or public tranquillity, the [Government Resident will as usual continue to correspond immediately with me, or the Governor for the time being, through the Office of the Colonial Secretary.

8. The Town of Simon's Town shall be divided into two Wards, as hereinafter described, and a Wardmaster, to act under the same regulations and instructions as the Wardmasters of Cape Town, shall be appointed to each Ward.

The first Ward to comprise all Houses, &c. situated between the North Battery and the Wharf, and the second all Houses, &c. situated between the Wharf and the Naval Hospital.

The District of Simon's Town contains two Field-Cornetcies, viz : that of the Noord Hoek, and that of the Wildschutbrand, whose duties are pointed out by the General Regulations on this subject.

The Government Resident will point out the Boundaries of the Field-Cornetcies in question.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 24th day of May 1814.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency Lieutenant-General
Lord Charles Henry Somerset, &c. &c.*

WHEREAS in consequence of the Regulations directed by the Proclamation of the 6th August 1813, ⁽¹⁾ for the change of the Tenures of Loan Leases to Tenures on Perpetual Quitrent, some doubts have arisen with respect to the value of the Stamps on which the Receipts for the several amounts of Quitrent due to His Majesty's Government should be drawn out, I do therefore by virtue of the Power and Authority in me vested, hereby order and direct, that Stamps, according to the following Tariff, be hereafter used for all Receipts for Money, paid on account of Quitrent due to the Government, of which the Receiver General of Land Revenue, the Collector of Tithes, and the respective Landdrosts, are desired to take especial notice.

*Tariff of Stamps to be used for the Receipts of Rent
payable on Land granted on Perpetual Quitrent.*

						<i>Rds. Shs.</i>	
From	1 to	10 Morgen	-	-	-	0	2
	10 to	30 ———	-	-	-	0	3
	30 to	50 ———	-	-	-	0	4
	50 to	60 ———	-	-	-	0	5
	60 to	80 ———	-	-	-	0	6
	80 to	100 ———	-	-	-	1	0
	100 to	500 ———	-	-	-	1	4
	500 to	1000 ———	-	-	-	2	4
	1000 to	2000 ———	-	-	-	4	0
	2000 and upwards,		-	-	-	5	0

And that no Person may plead ignorance hereof, this shall be published and affixed as usual. ⁽²⁾

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 3d Day of June 1814.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

⁽¹⁾ *Vide supra*, p. 147.

⁽²⁾ *Vide infra* Proclamation, 23d Dec. 1814.

Proclamation ⁽¹⁾ *by His Excellency Lieutenant-General*
the Right Honorable Lord Charles Henry
Somerset, &c. &c.

WHEREAS by a Proclamation, bearing date 9th day of October 1811, ⁽²⁾ it is provided, that if upon view of such Goods, Wares, and Merchandize, (as have been entered *ad valorem*, at the Custom House for Importation or Exportation, by the declaration of the Proprietor, Agent, or Factor,) it shall appear to the proper Officer of the Customs, "That they are not valued according to the true price thereof, and according to the true intent and meaning of that Proclamation, then the proper Officer or Officers shall detain such Goods, Wares, and Merchandize, and cause them to be properly secured, and take them for the use and benefit of His Majesty: and cause the said Goods, Wares, and Merchandize, to be publicly sold, on account of His Majesty; and at the expiration of three months from the date of Sale, the Collector of His Majesty's Customs shall pay or cause to be paid, to the Proprietor, Agent, or Factor aforesaid, the value thereof so ascertained as aforesaid, together with an addition of 10 per Cent. thereon, without any other allowance, charge, or expense whatsoever; which payment, so made to the Proprietor, Agent, or Factor of such Goods, Wares, or Merchandize, shall be in full satisfaction for the same to all intents and purposes whatsoever."

And by a further Proclamation, dated the 8th day of January 1813, the aforesaid Regulation is extended to the purposes of the said Proclamation of the 8th January 1813.—Now, therefore, be it hereby made known, that considerable inconvenience has been found to arise from the advantage granted to Merchants under

⁽¹⁾ *Vide supra* Proclamation 20th Nov. 1812. p. 121.

⁽²⁾ *Supra*, p. 111.

the clause aforesaid, which has, in consequence, been repealed and done away at the Custom Houses in Great Britain.

And whereas it is expedient to assimilate the practice of this Colony, to that of Great Britain, in this instance, it is therefore hereby declared, that the aforesaid clause in the Proclamation of the 9th October 1811, is henceforward to be considered null and void. And in lieu thereof, it is hereby ordered and enacted, that from and after the date of these presents, in all cases of Import or Export, the Duties upon which are, by the Laws now in force, payable *ad valorem*, calculated thereon from the declaration of the Proprietor, or his Agent, or Factor, if upon view of such Goods, Wares, and Merchandize, by the proper Officer or Officers of the Customs, it shall appear to him or them, that they are not valued according to the true price thereof at this place then the proper Officer or Officers shall detain such Goods, Wares, or Merchandize, and cause them to be properly secured, and take them for the use and benefit of His Majesty; and cause the same to be publicly sold, on account of His Majesty;—and at the expiration of three Calendar months, from the day of the Sale, the Collector of His Majesty's Customs shall pay, or cause to be paid, to the Proprietor, or his Agent, or Factor aforesaid, the value thereof so ascertained by his declaration aforesaid, without any other allowance, charge, or expense whatsoever, which payment, so made to the Proprietor, Agent, or Factor, who shall have entered the Goods, Wares, or Merchandize, by declaration of their value as aforesaid, shall be in full satisfaction for the same, to all intents and purposes whatsoever.

And it is further hereby ordered and directed, that in case there shall be any overplus remaining from the produce of such Sale, after deducting the value so ascertained

as aforesaid, and of the duties payable thereon, and of the charges arising from the Warehousing and Sale of Such Goods, Wares, or Merchandize, the Collector of His Majesty's Customs is hereby authorised to dispose of such overplus, in the manner pointed out in the aforesaid Proclamation of the 9th October 1811. ⁽¹⁾

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 5th day of August 1814.

(Signed) C. H. Somerset.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency Lieutenant-General
the Right Honorable Lord Charles Henry
Somerset, &c. &c.*

WHEREAS it has been represented to me to be indispensable that some new arrangements should take place to ensure more punctual attention to, and compliance with the requisitions for Waggon in Cape Town and its environs, directed to be impressed for the Public Service : I have therefore taken this circumstances into my most serious consideration, and in order to prevent irregularities and the delays occasioned by disputes or excuses, I have deemed it expedient and necessary to order and direct, as I hereby do order and direct, that the following Regulations shall be henceforth strictly enforced in Cape Town and its environs :—

1. A Waggonmaster shall be appointed, with a Sa-

(¹) *Vide supra*, p. 111.

lary, who shall reside in Cape Town, under the immediate orders of His Majesty's Fiscal, or Deputy Fiscal—all his requisitions, verbally or in writing, shall be obeyed punctually and without the least delay by all Proprietors of Waggons, Carts, Horses, Oxen, or Mules, residing in Cape Town, or on this side of the Blueberg, Vissershok, Tygerberg, the South part of the Cape Duynen, in a direct line from Tygervally, towards the Sea-shore of False Bay inclusive.

2. There shall only be exempted from these requisitions the principal Officers of the Civil Departments, the Officers and others belonging to the Garrison, the Contractors for Bread for His Majesty's Naval and Military Forces, which latter shall only be exempted for such Waggons as they shall prove to the satisfaction of His Majesty's Fiscal, or Deputy Fiscal, to be necessarily employed by them in the fulfilment of their Contracts, and the Licensed Bakers of this Town, for one Waggon each.

3. Every Proprietor of Waggons, Carts, Horses, or Mules, in the Cape Town, or within the limits pointed out in the 1st Article, including the said Military and Naval Contractors, shall send to the Fiscal's Office on or before the 10th September next, a List, containing the exact number of his Waggons, Carts, Horses, Oxen, or Mules, under his signature, in default whereof he shall forfeit a penalty of Fifty Rix-dollars, to be divided, one half to the Informer, and the other to the Waggonmaster.

4. The Waggonmaster having received these Lists, shall draw out a general return of all Waggons, Carts, Horses, &c. under the Superintendence of the Deputy Fiscal, and give to each Waggon or Cart a Number, and furnish copies of said Return to the Fiscal's Office, the Landdrost's Office, the Office of the Secretary of the Burgher Senate, and to the 1st Undersheriff, to be

had recourse to when needful, and to be inspected by every person chosing to so do; and further, he shall cause a copy to be affixed at the Public Town Hall.

5. The Waggonmaster shall, under the Superintendence aforesaid, draw out new Lists every six months, and affix the same in the Town Hall, and forward copies to the Field-Cornets of the Cape District within the said limits, and to the Offices specified in the preceding Article.

6. Should any Proprietor of Waggon, Carts, Horses, Oxen, or Mules, within the said limits, dispose of the same by sale or otherwise, he shall report the change to the Waggonmaster in writing, within three days, and in case of neglect, be subject to a penalty of Fifty Rix-dollars; to be divided, one half to the Informer, and the other half to the Waggonmaster.

7. The Waggonmaster shall call upon every Person on the general Return above alluded to in his turn, without any partiality or distinction, and be liable to dismission from his situation, should he impress, without sufficient cause, of which His Majesty's Fiscal shall be the Judge, any Waggon, Cart, Horses, &c. twice, while there remain any other unimpressed upon the List.

8. Any Person refusing or neglecting to comply with the requisition of the Waggonmaster, shall be reported by him to His Majesty's Fiscal, or Deputy Fiscal, and be liable to a Penalty of 50 Rds. upon proof thereof, one half of which sum is to be paid to the Waggonmaster, and one half to the Person whose Waggon, &c. was employed in lieu thereof, the payment of which Penalty, however, shall not excuse such Person from furnishing the next Waggon required, though not then the next upon the List.

9. Any Person refusing the payment of the above Penalties, shall be summoned before the Commissioners

of the Court of Justice, and proceeded against as the Law directs.

10. Any Person conceiving himself called upon for his Waggon, Carts, Oxen, Horses, or Mules, out of his proper turn, or to be in any other manner ill-treated and oppressed by the Waggonmaster, is, in the first place, to comply with the requisition, and then be at liberty to lodge his complaint with His Majesty's Fiscal or Deputy Fiscal, in order that the matter may be investigated, and if the Waggonmaster should be judged to be guilty, His Majesty's Fiscal is to report him to the Colonial Secretary for my information, in order to his being dismissed from his situation, or to such steps being taken respecting him, as the nature of the case shall appear to require.

11. The Wagonmaster is to draw up a regular account of all Waggon, impressed for the Public Service, every two months, and pay the amount received for the requisitions to the Deputy Fiscal, within 12 hours, on pain of being dismissed.

12. All Persons having claims for Waggon, &c. shall call for payment on the Deputy Fiscal, at the end of every two months, from the date of their Waggon, &c. having been furnished for Public use.

13. The Deputy Fiscal shall, when called upon, state to the Deputy Quartermaster General, what Waggon have been paid for, and if any remain unpaid for after the expiration of the two months, the reasons of such non-payment.

14. The Waggonmaster shall, on no account, impress any Waggon from the Country Districts coming to Cape Town, unless specially directed so to do.

15. The present Regulations will not excuse the Field-Cornets of the Cape District from keeping the Lists ordered by the 3d Article of the Proclamation of the 16th July 1806, and from acting in such cases as di-

rected by the said Proclamation, and the Proclamation of the 12th March 1813. ⁽¹⁾

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 26th Day of August 1814.

(Signed) C. H. Somerset.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

Government Advertisement.

It having been represented to His Excellency the Governor, by the several Magistrates of the Country Districts, that some inconveniences have been felt in consequence of the Regulations for the expenses of Surveys of Lands, published on the 16th July 1813, ⁽²⁾ His Excellency has been pleased to direct the following amended set of Regulations to be established and made public:—

Art. 1. All applications which may be referred to the Landdrost and Heemraden for examination, shall be distinguished and arranged by them at their Monthly or Quaterly Meetings, in such manner that Lists can be formed of all the places situated under the same Field-Cornetcy, in which the applications are to follow in the same order as the different Lands requested for are situated.

2. These Lists being made out, a Commission, consisting of the Landdrost or Deputy Landdrost, and one Heemraad, assisted by one of the Sworn Surveyors, shall repair to the Field-Cornetcy where the Places are

⁽¹⁾ *Vide* these Proclamations *supra*, p. 17 and 136 and *vide infra* Proclamation, 14th February 1817.

⁽²⁾ The Regulations of 16th July 1813, are not given, because they are entirely repealed by these.

successively situated, and there (after having first heard the Field-Cornet and the interested parties, specially to be summoned for that purpose, and being informed of all the circumstances from the different parties, which Government should be acquainted with), on the Applicants pointing out the several Lands to the Surveyor, he shall proceed from Place to Place, in the order pointed out by and under the direction of the Commission, and measure the same (if no sufficient objection to the Commission appear thereto) in presence of the Field-Cornet of the Division, who is to point out to the said Surveyor all the Springs within the Land in question, of which he may be aware, and to take care that sufficient Landmarks be erected at the several angles forthwith.

3. The Commission having thus inspected those Lands or Places, and pointed the same out to the Surveyor as aforesaid, shall be considered as having terminated its proceedings ; and the Land Surveyor, in the presence of the Field-Cornet, is to continue his operations in the same order, and in the manner prescribed—after which, he is to furnish the Landdrost with a Diagram of each Place, drawn out according to the form directed in the Surveyors' Instructions.

4. Immediately on the receipt of this Diagram, the Commission shall send in their report to His Excellency the Governor, stating therein all the circumstances, as well regarding the nature of the ground as with respect to the Applicant, according to such orders as already exist, or may be given hereafter.

5. The object of His Excellency being to save all unnecessary expense to the parties applying, and to preserve uniformity in the Survey, and impartiality to the parties, relies upon the zeal and local knowledge of the Landdrost, Deputy Landdrost, and Heemraden, that they should arrange the several applications in the mode

best calculated to effect economy, expedition, and general accuracy, by pointing out to the Surveyors, successively in their order, the different Lands applied for, so that the Surveyors may proceed with dispatch, and without interruption, by which much expense will be saved.

6. All former Rules and Regulations to stand good, which are not hereby altered, or rendered of no effect.

7. Allowance for daily Expenses, and other incidental charges of Carriage-hire, &c. to be defrayed by the Persons applying for Lands.

8. Landdrosts and Deputy Landdrosts, are to be allowed 8 Rds. the Heemraden 6 Rds. per day, over and above the expense of Waggon-hire ; and an Orderly or Messenger, is to be allowed to each Commission, at 3 Rds. per diem, including the expense of a horse.

9. When more than one inspection is made in a day, or several in succession in the same Field-Cornetcy or neighbourhood, all expenses of Waggon-hire, and daily allowance, to be divided amongst the Applicants, in proportion to the time occupied in the several Inspections and Surveys.

10. When the Surveyor acts without the Commission, the several Applicants are to defray the expenses of Waggon-hire, in proportion to the time occupied in the Survey of the Land solicited for by each ; but the instruments used by the Surveyor are to be conveyed to the spot by those at whose request the Survey is to be made.

11. Waggon-hire is to be charged according to the rate which the Landrost, Deputy Landdrost, and Heemraden of the District from whence the Surveyor proceeds, consider to be legal and usual ; and in those cases where Commissioners have to proceed into such parts of the Colony as cannot afford proper accommodation, then it is permitted to the Commission to take, and charge for

a second Waggon, for the carriage of Tents, Bedding, and such other things as may be essentially necessary.

12. When Lands are to be surveyed for an Individual, separate and distinct from others, he may furnish a Waggon, or other mode of conveyance, satisfactory to the Commission and Surveyor. If any objection is made to the conveyance proposed, that shall be decided by the Landdrost or Deputy Landdrost.

13. The Field-Cornets who may be called upon to assist at any Survey, to be allowed 4 Rds. per day, but without any travelling expenses.

14. Expenses allowed the Surveyor:—

	<i>Rds. Sk.</i>	
a) The measuring of Lands of 10 Morgen or less, - - -	6	0
b) From 10 to 60, - -	10	0
c) From 60 to 100, - -	12	4
d) Above 100 Morgen, 4 Stivers more for each Morgen.		
e) For Travelling Expenses, per day, -	4	0
f) For his Servant, ditto, -	1	0

All other assistance to be provided by the Applicants.

The Diagrams to be charged as formerly.

15. The Surveyor to be paid by a Bill upon the District Treasury, quarterly, upon a return of the Surveys, Valuations, and Diagrams; and the Landdrost and Heemraden are authorised to call upon the parties to deposit with the District Secretary, the probable expenses of the Commission previous to setting out, for which a due receipt is to be given them; and in case of not obtaining the grant, the amount to be forthwith reimbursed.

16. Exclusive of the reports of the Commissions as now made, a copy of all transactions is, by the District Secretary, to be forwarded quarterly to the Colonial Secretary, and a duplicate thereof, signed by him, to

remain at the Drostdy, in order reference may be had to the same, should it be necessary.

17. In consequence of the additional trouble, the District Secretary to be allowed $2\frac{1}{2}$ per Cent. to be collected from the parties, on the amount of their Bills. In case the parties do not agree as to the proportion of the expenses to be born by each, such proportions must be settled by the Commission, and their award is conclusive.

Cape of Good Hope, 30th September, 1814.

By Command of His Excellency the Governor,
(Signed) H. Alexander, Secretary.

Government Advertisement.

HIS Excellency the Governor and Commander in Chief has been pleased to direct,

1st. That in all cases of seizure made in consequence of any breach of the Laws respecting His Majesty's Customs, such cases shall be brought before the Commissioners of the Court of Justice, on the first Monday subsequent to the informations given to His Majesty's Fiscal of the seizure having been effected, provided the Monday be more than three days from the date of the said information; but if it be within that period, then the case shall stand over until the ensuing Monday.

In all cases of seizure made in the Residency of Simon's Town, the Cape District, and in the Country Districts, such cases shall be brought before the Commissioners of the Court of Justice, within the shortest period the circumstances of such cases will admit.

2d. That a copy of the sentence of confiscation shall, on the day on which such sentence shall pass, be transmitted by the Secretary of the Court of Justice, to the President and Members of the Insolvent Estates Chamber, in order that the sale of such Goods as shall

be condemned in consequence of any sentence of Commissioners of the Court of Justice, may be advertised in the two next Gazettes subsequent to the adjudication, and then take place without delay.

3d. In all cases of sale of property seized and condemned in consequence of any breach of the Revenue Law, such sale shall take place by the Chamber for Regulating Insolvent Estates, to whom the sentence is transmitted by the Secretary of the Court of Justice, but under the direction of the Collector and Comptroller of the Customs, and at the Custom House, in all cases, unless where an absolute necessity exists of following the Goods, and in every case the proceeds, after deducting the usual expences, shall, at the expiration of three months, be lodged in the Lombard Bank for the benefit of the parties ultimately interested therein, according to Law, and the present usage.

Cape of Good Hope, 21st October 1814.

By Command of His Excellency the Governor,
(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS it is extremely desirable and highly necessary, that permanent Landmarks should be placed and continued at the several Angles of the respective Landed Properties and Estates within the Settlement: It is therefore hereby directed, that whenever a regular Survey has taken place of any Estate or Landed Property, the Government Surveyor shall point out to the Possessor or Occupier, the proper Angles thereof, when such Possessor or Occupier shall be bound, within three months, to cause to be erected durable Landmarks of Stone and Lime, or of Brick and Lime: and if any such Possessor or Occupier shall fail in causing such Landmarks to be built within the time specified, the Landdrost of the District shall call upon him, in writing, to do

so; and should he still neglect or refuse to comply with such direction, then the Landdrost shall be, and is hereby directed and authorised to cause such Landmarks, as aforesaid, to be built at the expence of the party so neglecting; and such party shall also be liable to a penalty of 25 Rds. beyond the expence of the Landmark, for each Landmark erected as aforesaid; which expence and penalty shall be recoverable in the usual manner of small fines, by summary Sentence of the Court of Landdrost and Heemraden of the District. And it is hereby further ordered, that Commissioners from the Court of Landdrost and Heemraden do, from time to time, inspect the boundaries of the several Estates within their jurisdiction, with the view of keeping up the Landmarks thereof; and that they call upon the respective Field Cornets to report to them the state of such Landmarks in their several Divisions, in order that such persons as shall have suffered any Landmark or Landmarks to go to decay, may be called upon, in writing, without delay, to place the same in proper and substantial repair. And it is hereby declared, that if any person shall neglect to comply with such requisition from the Landdrost of the District to repair the same within three months, such Landmark or Landmarks shall be repaired at his cost by direction of the Board of Landdrost and Heemraden, and the expence thereof, together with a penalty of 25 Rds for each Landmark so repaired, shall be recoverable against him in the same manner as hereinbefore directed.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 23d day of December 1814.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

*Proclamation, by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS doubts have arisen with respect to the quantity of disposable Government Ground in the vicinity of this Town, and with respect to the limits of private Property as affecting the same, a Commission was appointed in the year 1811, for the purpose of superintending a complete Survey thereof, and examining the documents and titles to the Land claimed and occupied as private Property: Now, be it hereby made known, that the Survey of all the Land situate and being to the right of the Great Road from Cape Town to Simon's Town, and extending from the Military Lines to the Estate of Claassenbosch, now possessed by W. F. Versfeld, has been completed, and laid before me by the Government Sworn Surveyor, L. M. Thibault; and having personally examined the same, and compared the whole with the documents in support thereof, and the reports relative thereto, I do hereby declare my entire approbation of the same, and hereby recognize the boundaries as described thereon, to be the true limits of the respective Estates therein described.

And it appearing, moreover, that the Occupiers of several of the Estates alluded to, have, either through error or inadvertence, enclosed or cultivated proportions of Land, to which the former Grants of this Government have not entitled them, I have resolved to cede to each of the Parties alluded to, the Land so illegally held by them, upon due valuation thereof, by the Magistrate of the Cape District, provided the Parties interested take out, within six months from the date hereof, the usual title, authorising them to occupy the several spots of Ground in question.

And whereas it appears, that within the limits of the Survey under consideration, there are other Persons who

claim Government Land, in virtue of certain Resolutions of the former Governments, although they had not obtained regular titles thereto; and being desirous, whenever the interest of the Crown, and local circumstances, will admit of it, and no actual disposition has taken place, or been directed, to give favourable consideration to claims of the nature alluded to, I have given detailed instructions to the Landdrost of the Cape District, to value such of the lands alluded to as are specified to him being such as may, without detriment to public interest, be alienated, in order to their being ceded under regular title to the Parties in question.

And it is hereby recommended to all Holders of Land in the direction of the said Survey, for the prevention of all future disputes with respect to the boundaries or extent of the Land they occupy, to cause to be taken from the general Survey under consideration, a Diagram or Chart of the Lands they possess, which Diagram, with a proper certificate from the Colonial Secretary, will be delivered to each Applicant, free of expence, excepting the usual cost attending the Land Surveyor's copying the same.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 23d day of December, 1814.

(Signed) C. H. Somerset.

By His Excellency's Command.

(Signed) H. Alexander, Secretary.

Proclamation, by His Excellency General the Right Hon. Lord Charles Henry Somerset, &c. &c.

WHEREAS the time given by the Proclamation of the 6th of August, 1813, ⁽¹⁾ to the Occupiers of Loan Places, to

(1) *Vide supra* p. 142.

apply to the Governor for the time being, for the conversion of such irregular and uncertain tenure into that of Perpetual Quitrent, with the privileges, and at the low Rent fixed by that judicious enactment, has now elapsed: And whereas it appears that many Persons are still uncertain as to the effect of their not furnishing themselves with a permanent Title to the Lands alluded to: These are therefore to publish and make known, that in order to give to each Individual full time to avail himself of the beneficial tendency of the Regulations in question, I have judged fit to prolong, and hereby extend the term, in which such Persons are entitled to the privileges attached to those who make application for the conversion of their Loan Places into that of Perpetual Quitrent, by the aforesaid Proclamation of the 6th of August, 1813, for eighteen months, to commence from, the 1st of January, 1815, and expire the 30th June, 1816; after which date, such Loan Leases as shall not have been applied to be converted into the tenure of Perpetual Quitrent, will be resumable as occasion and circumstances shall require.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 23d day of December 1814.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS the frequent and alarming Fires which have broken out in the vicinity of the Woods, to which this Capital now looks for its supply of the important article

of Fuel, do not appear to be altogether attributable to accident, but from many circumstances seem to be the effect of design, and to be chiefly occasioned by the practice of the Coolies and Slaves, illegally employed in collecting Firewood, setting Fire to the Underwood upon the waste or public Land, with a view of obtaining such Wood in a dry state, and with less trouble to themselves: And whereas it appears that the aforesaid custom of sending Coolies and Slaves to collect Wood, is altogether illegal, and has been frequently prohibited, not only in the General Regulations (*Placaat*) for the Police of the Settlement of the year 1743, but in several subsequent Public Notifications: And whereas, independent of the reasons which have antecedently been held sufficient to induce a prohibition of the indiscriminate cutting of Firewood upon the Government Wastes, such is the great danger of Fires above alluded to, the opportunity thereby given to the supply of runaway Slaves, Thieves and Vagrants, with food and other necessaries, by their Companions or Accomplices of Cape Town, and the constant necessity that it occasions of watching private property to prevent trespass and dilapidation the great extension and number of private Estates reducing the Waste Land to small compass, and the quantity of Wood now grown upon private Estates for Fuel,—call for a total stop being put to this illegal system, and render it altogether unnecessary to the due supply of Individuals, the labour of whose Slaves in other employments will be more valuable to them than the Wood so inconveniently collected: Be it therefore hereby made known and ordered, that from and after the 1st day of March next (which date is fixed upon, in order to give sufficient notice to such as have been in the habit of so employing their Slaves (although illegally), with the view to their taking other means to supply themselves with Fuel), it shall be

entirely and totally prohibited for all Coolies, Free-blacks, Hottentots, Slaves, or others, to cut any Firewood whatever upon the Public Wastes, or to bring to Cape Town such Firewood in loads upon sticks, in the usual manner, or otherwise, either for the use of their Masters or Employers, or for sale; and the Officers of Police are hereby authorised and ordered to stop any Cooly, Free-black, Hottentot, Slave, or other, so bringing Wood into Cape Town, and having seized the Firewood (which shall be forfeited), to take the said Offender before His Majesty's Fiscal, or the Landdrost of the District, as the case may require, who shall commit the Offender to the Public Prison, there to be punished as a Trespasser and Vagrant. And the Field-Cornets and others are hereby directed and commanded, to prevent any of the Persons herein alluded to, from cutting Firewood upon the Public Wastes, and to take such Trespassers up, in order to their being confined and punished as aforesaid. And His Majesty's Fiscal, and the Landdrost of the Cape District, are hereby called upon and required to use their utmost vigilance to enforce strict compliance with this injunction.—But nothing herein contained is to be construed to prohibit any Proprietors of Land from cutting Firewood upon their own Estates, or sending it to Cape Town by their Slaves or others, provided they furnish such Slave or other Person with a proper Pass, stating the Wood to be cut upon their Properties, and stating to whom such Wood is to be delivered, without which Pass such Slave or other will be liable to be treated as the Offenders abovementioned. Neither is it to be understood, that the provisions of this Proclamation have any reference to the Persons who obtain the usual Licences for cutting Firewood in the Cape Flats, ⁽¹⁾ and who send such Wood into Town in Waggon.

(1) *Vide Ordinance, No. 5—1836.*

And in order to give the fullest publicity to this enactment, besides the usual method of publishing and affixing the same, it is hereby ordered, that the respective Wardmasters shall, within ten days from the publication, assemble at least one Slave, or Free-black, from each house in his respective Ward, and read, or cause to be explained, to such Slaves and Free-blacks so assembled, the true meaning and intent hereof; and of his having complied herewith, he shall transmit a Certificate to His Majesty's Fiscal.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 23d day of December 1814.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) H. Alexander, Secretary,

Anno Quinquagesimo Quarto Georgii III. Regis Cap. LXXVII.—An Act to amend an Act of the Fifty-third Year of His present Majesty, for repealing the Duties payable on the Importation of Wine, the Produce of the Cape of Good Hope, and its Dependencies, and charging other Duties in lieu thereof.

[28th June, 1814.]

WHEREAS the Duties imposed by an Act made in the last Session of Parliament, intituled "An Act for repealing the Duties payable on the Importation of Wine, the Produce of the Cape of Good Hope, and its Dependencies, and charging other Duties in lieu thereof," on Wine, the Produce of His Majesty's Settlement of the Cape of Good Hope, or of the Territories or Dependencies thereof, imported into this Kingdom, are much lower than the Duties by Law imposed on Wine, other than French Wine, and the difference of the said Duties may afford a temptation to ill-disposed Persons to

import other Wine under pretence that the same is Wine the produce of the said Settlement, or of the Territories or Dependencies thereof; for the prevention whereof it is expedient to make such provision as is hereinafter mentioned: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of *November*, One Thousand Eight Hundred and Fourteen, any Person or Persons loading on board any Ship or Vessel in His Majesty's Settlement of the *Cape of Good Hope*, or in the Territories and Dependencies thereof, any Wine as of the produce of the said Settlement, Territories, or Dependencies, shall, before the clearing out of such Ship or Vessel, produce and deliver to the Collector or other principal Officer of the Customs, at the loading port, an Affidavit, signed and sworn to before some Justice of the Peace in the said Settlement, Territories, or Dependencies, either by the Grower, Maker, or Shipper of such Wine, or his or their known Agent or Factor, expressing, in words at length, and not in figures, whether the same is Red Wine or White Wine, and the particular name by which such Wine is there commonly called or known, with the number and denomination of the packages, specifying such Wine to be of the produce of His Majesty's Settlement of the *Cape of Good Hope*, or of the Territories or Dependencies thereof, to the best of his knowledge and belief, and in which Affidavit the Person who brought or procured such Wine from such Grower or Maker shall join; which Affidavit shall be attested under the hand of the said Justice of the Peace to have been sworn to in his presence, and such Justice is hereby required so to attest the same without Fee or reward; and the Collector or other principal Officer of the Customs to whom such

Affidavit shall be delivered, shall thereupon, without Fee or Reward, grant to the Master or other Person having the charge or command of the Ship or Vessel, a Certificate under his hand and seal of office, of his having received such Affidavit, pursuant to the directions of this Act; which certificate shall express whether the said Wine shipped on board such Ship or Vessel is Red Wine or White Wine, and the name by which the same is there commonly called or known, with the number and denomination of the packages in which the same shall be shipped and contained; and such Collector or other principal Officer of the Customs shall also (without Fee or Reward), within ten days after the sailing of the Ship or Vessel, transmit an exact Copy of the said Affidavit to the Secretary's Office for the said Settlement, on forfeiture of Twenty Pounds: provided always, nevertheless, that if at any time there shall not be any Justice of the Peace at the said Settlement, or at any of the Territories or Dependencies thereof, where any Wine the produce of the said Settlement, Territories, or Dependencies shall be loaded, then and in such case it shall and may be lawful for the Grower, Maker, or Shipper of such Wine, or his or their known Agent, or Factor, to make such Affidavit before the Collector and Comptroller, or other chief Officer of the Customs, or any two of them, at the Port or Place from whence such Wine shall be loaded on board the Ship or Vessel (which Affidavit such Collector and Comptroller, or other chief Officer, or any two of them, are hereby authorised and required to take); and in the Certificate which the Collector or other principal Officer of the Customs shall grant to such Master or other Person, such Collector or other principal Officer shall also certify that there is not any Justice of the Peace resident at the said Settlement, or the Territory or Dependency thereof, where such Wine shall have been so loaded; and upon

the importation of such Wine, the same shall be admitted to Entry at the Low Duty to which such Wine would have been liable if this Act had not been made ; any thing hereinbefore contained to the contrary in anywise notwithstanding.

II. And be it further enacted, That upon the arrival of such Ship or Vessel into the Port of her Discharge, either in *Great Britain*, or any other Port of His Majesty's Dominions where such Goods may be lawfully imported, the Master or other Person taking the charge or command of the said Ship or Vessel shall, at the time of making his Report of his Cargo, deliver the said Certificate to the Collector or other principal Officer of the Customs, and make Oath before him that the Goods so reported are the same that are mentioned in the said Certificate, on forfeiture of One Hundred Pounds ; and if any such Wine shall be imported or found on board any Ship or Vessel for which no such Certificate shall be produced, or which shall not agree therewith, or which shall not be imported directly from the said Settlement, Territories, or Dependencies, the same shall be deemed and taken to be Foreign Wine, not of the produce of His Majesty's Settlement of the *Cape of Good Hope*, or of the Territories or Dependencies thereof, and shall be liable to the same Duties Restrictions, Regulations, Penalties, and Forfeitures, in all respects as Wine other than *French Wine* imported, would respectively be liable to by Law ; provided always, that if any Wine shall be imported into *Great Britain* directly from the said Settlement, or the Territories or Dependencies thereof, without being included in such Certificate as hereinbefore directed, and it shall be made appear to the satisfaction of the Commissioners of the Customs or Excise in *England* and *Scotland* respectively, or any three or more of them respectively, that the Wine is really and truly the produce

of the said Settlement, Territories, or Dependencies, and that no fraud was intended, then, and in such case it shall and may be lawful for the said respective Commissioners, on any three or more of them respectively, to permit the said Wine to be entered, upon payment of the Low Duty of Customs or Excise, (as the case may require) to which such Wine would have been liable if this Act had not been made ; any thing hereinbefore contained to the contrary in anywise notwithstanding.

III. And be it further enacted, That if the Importer, Proprietor, or Consignee, Importers, Proprietors, or Consignees of any Foreign Wine other than Wine the produce of the said Settlement, Territories, or Dependencies, shall enter or land the same, or cause, procure, permit, or suffer the same to be entered or landed as or for Wine the produce of the said Settlement, Territories, or Dependencies, the same shall be forfeited, and the Importer or Importers, Proprietor or Proprietors, Consignee, or Consignees, knowingly entering or landing, or knowingly causing, procuring, permitting, or suffering to be entered or landed, any Foreign Wine, other than Wine the produce of the said Settlement, Territories, or Dependencies, as or for Wine the produce of the said Settlement, Territories, or Dependencies, shall forfeit and lose for every such offence the sum of Three Hundred Pounds.

IV. And be it further enacted, That all and every Dealer or Dealers in or Seller or Sellers of Foreign Wine shall keep all Red Wine in his, her, or their custody or possession, the produce of the Settlement of the *Cape of Good Hope*, or other Settlement, Territories, or Dependencies thereof, separate and apart, and in separate bins, casks, bottles, jars, vessels, utensils, piles, parcels, and divisions, from all other Wine, and shall also in like manner keep all White Wine in his,

her, or their custody or possession, the produce of the said Settlement, Territories, or Dependencies, separate and apart, and in separate bins, casks, bottles, jars, vessels, utensils, piles, parcels, and divisions, from all other Wine, upon pain of forfeiting for every such offence the sum of Fifty Pounds.

V. And be it further enacted, That all and every Dealer or Dealers in or Seller or Sellers of Foreign Wine, shall specify and distinguish all Wine in his, her, or their custody or possession, the produce of the said Settlement, Territories, or Dependencies, from all other Wine, in such and the like manner as he, she, or they is or are by an Act made in the Twenty-sixth Year of His present Majesty's Reign, intituled, "*An Act for repealing certain Duties now payable on Wines imported, and for granting new Duties in lieu thereof, to be collected under the Management of the Commissioners of Excise,*" directed or required to specify or distinguish Foreign Wine, other than *French* Wine, from *French* Wine, and shall in like manner specify and distinguish all Red Wine in his, her, or their custody or possession, the produce of the said Settlement, Territories, or Dependencies, from all White Wine in his, her, or their custody or possession, the produce of the said Settlement, Territories, or Dependencies, in such and the like manner as he, she, or they is or are by the said last mentioned Act, directed or required to specify or distinguish *French* White Wine from *French* Red Wine, under, subject, and according to the several Rules, Regulations, Restrictions, and Provisions, Fines, Penalties and Forfeitures, in or by the said Act contained, provided, settled, or established for the specifying or distinguishing Foreign Wine, other than *French* Wine, from *French* Wine, or *French* Red Wine from *French* White Wine, as the case may require: and the said several Rules, Regulations, Restrictions, and Provi-

sions, Fines, Penalties, and Forfeitures respectively, shall be used, applied, practised, and put in execution with respect to all Wine in the custody or possession of such Dealer or Dealers, or Seller or Sellers, the produce of the said Settlement, Territories, or Dependencies.

VI. And be it further enacted, That every Permit to be granted or given for the removal of any Wine the produce of the said Settlement, Territories, or Dependencies, shall distinguish such Wine from all other Wine according to the denomination thereof specified in the Request Note, according to the directions of the said Act made in the Twenty-sixth Year aforesaid, and this Act.

VII. And be it further enacted, That if any Officer or Officers of Excise shall at any time or times discover or find that the quantity of Red Wine or White Wine, the produce of the said Settlement, Territories, or Dependencies, in the Stock of any Dealer or Dealers in or Seller or Sellers of Foreign Wine, added to the quantity for which Permits shall have been granted, since the last account was taken of such Stock, and also to the quantity or quantities sold, sent out, or consumed in small quantities under three gallons, since such last account was taken, and for which proper entries shall appear to be made in the Book for entering therein, such Wine as shall be sold, consumed, or sent out in small quantities under three gallons, exceeds the Stock left in hand on the taking of such last account added to the quantity of such Wine since received by Permit, the quantity of Wine so found in excess, whether the same shall be mixed or mingled, or unmixed or unmingled, shall be deemed and taken to be made by Wine for which no duty has been paid, and which had been privately brought in by such Dealer or Dealers, or Seller or Sellers, without Permit, and

a quantity equal to the quantity of Wine so found in excess shall be forfeited and lost, and shall and may be seized and taken by the Officer or Officers of Excise who shall discover the same, from and out of the said Stock or Stocks in which such quantity of Wine shall be found in excess, and the Person or Persons, in whose Stock such quantity of Wine so found in excess shall be discovered or found, shall also forfeit double the value of the quantity of Wine so found in excess.

VIII. And be it further enacted, That if any Dealer or Dealers in, or Seller or Sellers of Foreign Wine, shall mix or mingle any Red Wine or White Wine in his, her, or their custody or possession, of the produce of the said Settlement, Territories or Dependencies, with or among any other Wine, or shall give notice to any Officer or Officers of Excise to have packed, or shall enter for Exportation, any Red Wine or White Wine, the produce of the said Settlement, Territories, or Dependencies, mixed or mingled with any other Wine, then and in such case the Dealer or Dealers or Seller or Sellers so offending shall, for each and every such offence, forfeit and lose the sum of Three Hundred Pounds, and all the Wine so mixed or mingled shall be forfeited.

IX. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed by this Act, and incurred in *Great Britain*, shall be sued for, recovered, levied, or mitigated, by such ways, means, or method, as any fine, penalty, or forfeiture may be sued for, recovered, levied, or mitigated, by any Law or Laws of Excise, or by action of debt, bill, plaint, or information in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland* respectively; and that One Moiety of every such fine, penalty, or forfeiture, shall be to His Majesty, His Heirs and Successors, and the other Moiety to him or them who shall inform, discover, or sue for the same.

X. And be it further enacted, That all and every the Powers, Directions, Rules, Penalties, Forfeitures, Clauses, Matters and Things, which, in and by an Act made in the Twelfth Year of the Reign of King *Charles the Second*, intituled, "*An Act for taking away the Court of Wards and Liveries, and Tenures in Capite, and by Knights Service and Purveyance, and for settling a Revenue upon His Majesty in lieu thereof*," or in or by the said Act made in the Twenty-sixth Year of His present Majesty's Reign, or by any other Law now in force relating to His Majesty's Revenue of Excise upon Beer, Ale, and other Liquors, are provided and established for managing, raising, levying, collecting, mitigating, or recovering, adjudging, or ascertaining the Duties thereby granted, or any of them, or for preventing, detecting, or punishing Frauds relating thereto, (other than and in such Cases for which other Penalties or Provisions are made and prescribed by this Act,) shall be practised, used, and put in Execution in and for the purposes of this Act, as fully and effectually, to all intents and purposes, as if all and every the said Powers, Rules, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, were particularly repeated and re-enacted in this present Act.

Government Advertisement.

HIS Excellency the Governor, taking into consideration the additional trouble which devolves upon the Field-Cornets, ⁽¹⁾ in consequence of the Proclamation of the 23d December last, preventing unlicensed Persons from shooting in their respective divisions, has been pleased to direct that the several Field-Cornets shall be allowed to Shoot during the regular seasons without Licence.

Castle of Good Hope, 17th February 1815.

By Command of His Excellency the Governor,
(Signed) H. Alexander, Secretary.

(1) See Proclamation of 21st March 1822, *infra*.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS it has been represented to me by the Worshipful the Court of Justice, that much irregularity has prevailed from the practices of covering Notarial Acts with Stamps, instead of writing such Acts on Paper stamped, as the Law prescribes ; and from the practice of drawing up Original Vendue Notes on unstamped Paper, covering the same with Stamps, only in such cases in which it became necessary to prosecute the claims arising from neglect of payment, or otherwise, to the great detriment of the Public Revenue, and to the great injury of the Individuals whose interests are by such practices effected : I do hereby, by virtue of the power in me vested, order and direct, that henceforward all Notarial Acts shall be written and signed, upon Paper stamped, (as in each particular case the standing Regulations of this Colony direct) and in no case be covered by such Stamps only : And I hereby further order and direct, that all Vendue Notes shall be written upon the Stamp which the Proclamation of the 22d May 1812, ⁽¹⁾ enjoins, and not covered only with such Stamp, as hereinbefore explained. And in order to give due effect to the aforesaid necessary Regulations, I do hereby authorise the Worshipful the Court of Justice, and command them in every case in which it shall appear to them, or to any Commission from their Board, that this Regulation shall have been contravened, to impose and levy upon the Notary, or District Secretary, or Vendue Master, so offending, a Fine not exceeding 50 Rds. for each separate transgression ; which Fine shall be paid into the hands of the Secretary to the Court of Justice, or to the Secretary to the Commission of Circuit, as the case may be,

(1) Repealed by Ordinance No. 31, 1827,

to be by him accounted for in the General Account of Receipts and Disbursements of the Worshipful Court aforesaid.

And it is hereby declared and made known, that nothing herein contained shall be construed to affect the penalties heretofore attached to the passing any Notarial Acts upon other than Paper regularly stamped according to Law.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual. ⁽¹⁾

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 26th day of May 1815.

(Signed)

C. H. Somerset.

By His Excellency's Command,

(Signed)

H. Alexander, Secretary.

Proclamation, by His Excellency General the Right Hon. Lord Charles Henry Somerset, &c. &c.

WHEREAS it has been reported to me, that certain turbulent and rebellious Subjects of the Districts of Graaff-Reinet and Uitenhage, have assembled in arms upon the most frivolous pretences, and have proceeded to acts of violence, to the disturbance of the public peace and tranquillity of the Districts aforesaid: And whereas such daring outrages and rebellious conduct, render it necessary for the safety and protection of the Magistrates, and of the well disposed Inhabitants of Graaff-Reinet and Uitenhage, that the Officer commanding His Majesty's Troops in those parts, Lieut.-Colonel CUYLER, of the Cape Regiment, should be vested with full power to suspend the Civil Authority (if need shall continue), and enforce Martial Law in all such parts of the Districts aforesaid, as shall appear to be concerned in any

(1) *Vide supra* Government Advertisement, 21st January 1814, p.

Act or Acts of Rebellion, or hostile to the public peace: I do therefore hereby authorise the aforesaid Lieut. Col. J. G. CUYLER, of the Cape Regiment, Commanding on the Frontier, as well as all and every one of His Majesty's Officers who have or shall have separate Commands, to punish, after a conviction before a Court Martial, all Persons acting, aiding, or in any manner assisting, in any rebellious act, according to Martial Law, either by Death or otherwise, as to him or them shall seem expedient for the punishment and suppression of all Rebels, of which all His Majesty's Subjects are required to take notice.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 25th day of November 1815.

(Signed) C. H. Somerset.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

Proclamation by His Excellency General the Right Hon. Lord Charles Henry Somerset, &c. &c.

WHEREAS the blessing of Peace being now restored to the British Empire, it does not appear to be longer necessary or expedient to continue, within the limits of this Government, the restrictions laid by His Excellency Lieutenant-General Sir David Baird upon the Exportation from hence of Gold and Silver Specie: Be it therefore hereby made known, that I have thought proper to revoke so much of the Proclamation issued by His Excellency Sir David Baird aforesaid, on the 23d January 1806, ⁽¹⁾ which forbids the Exportation of Gold and Silver Currency, and to repeal entirely the Penalties affixed by such Proclamation, as well as every other Penalty attached to the Exportation of

(1) *Vide supra* p. 9.

Gold and Silver Specie or Currency, (above the value of Ten Pounds Sterling) by any former Proclamation or other Regulation of this Government, and it is hereby made known, that the Import or Export of Gold or Silver Specie shall henceforward be perfectly free; provided always, that regular Permits be obtained for the Import or Export thereof, from the Custom Department, as in cases of other Merchandize, but subject to no Custom or other Duties whatever. ⁽¹⁾

God save the King !.

Given under my Hand and Seal, at the Cape of Good Hope, this 10th day of May 1816.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

Proclamation by His Excellency General the Right Honorable Lord Charles Henry Somerset, &c. &c.

WHEREAS it has been represented to me, that great benefit would be received by the Merchants and Traders of this Colony, if the Duties charged upon the re-export of Goods, Wares, and Merchandize, imported from Great Britain and Ireland, or from the East Indies, were repealed and done away; and it being my anxious wish to render every facility in my power, consisting with the security of His Majesty's Revenue, to the Commerce of this Settlement, I have directed, and it is hereby made known, that from and after the 1st of the ensuing month of June, all Duties at present chargeable upon the re-export of any Goods, Wares, or Merchandize, imported into this Colony from any part of His Majesty's Dominions, or from the East Indies, shall cease and determine, of which

⁽¹⁾ *Vide Ordinances Nos. 2 and 6, infra.*

the Collector and Comptroller of His Majesty's Customs, and all others whom it may concern, are to take due notice.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 24th Day of May 1816.

(Signed) C. H. Somerset.

By His Excellency's Command,
(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS it has been represented to me, and after minute inquiry I have ascertained, that melancholy and distressing disorder, the Leprosy, has of late years considerably increased within this Settlement. And whereas it appears, that in the District of Swellendam only is there any retreat provided for the unfortunate objects attacked by this malady, so that, as an impression obtains (which however the most learned of the Medical Profession hold to be erroneous), that the disorder is contagious, the distressed sufferers are frequently left in a state of abandonment, which it is shocking to humanity to reflect upon.

And whereas it appears expedient to allot to Hottentots, Bastards, Freeblacks, and Slaves, labouring under this evil, a healthy and airy spot where they may retire to, and where they shall receive such aid as is necessary to their future subsistence and comfort, but to which place the safety of the public requires they should be confined.

And as it appears that the situation of the *Hemel en Aarde*, now allotted by the District of Swellendam to this object, is capable of such augmentation of ground,

as is sufficient for the purposes required, I have thought fit to direct:

1. That the Landdrost of Swellendam shall, as soon as possible, inspect and ascertain the quantity of ground in the vicinity of the Hemel en Aarde, which can be conveniently appropriated to this object, and transmit to the Colonial Office an accurate Diagram thereof.

2. The Landdrost of Swellendam shall cause numerous and very ostensible landmarks to be erected around the site, so that no person shall have the excuse of not being able to know the precise limits thereof.

3. This Site shall be appropriated generally to the reception of the unfortunate Persons of the descriptions above quoted, who shall labour under the Leprous Malady throughout this Settlement, under the following Regulations:

1. Upon a report being made to the Landdrost of a District, of a Hottentot, Freeblack, Bastard, or Slave, of either sex, being stricken with Leprosy, the Landdrost shall cause such Person to be examined by the District Medical Officer, and shall forthwith report the case, with the Medical Officer's Certificate thereof, to the Colonial Secretary's Office in Cape Town,—this report to contain the name, sex, age, trade, or occupation of the Person stricken, and if a Slave, the name of the Proprietor thereof.

2. The Colonial Secretary shall, upon receipt thereof, issue an order to the Deputy Landdrost of Swellendam at Caledon, authorising and requiring him to admit the Patient into the District allotted to Lepers: and the Deputy Landdrost shall keep an exact Register of all Persons so admitted.

4. The Lepers shall be found in the same quantity of bread and meat, of good quality, as at present: such bread and meat being provided by Public Contract.

5. The Lepers shall be allowed to erect huts for their

habitations, and to make use of a small proportion of ground to find themselves in vegetables.

6. The Deputy Landdrost of Swellendam shall, from time to time, visit the Leper Districts, and give such directions therein as shall conduce to its cleanliness and good order; he shall at those times inspect the quality of the provisions issued to them, and ascertain that they are conformable to the contract, of which circumstances he shall make report to the Landdrost of Swellendam, at the expiration of each Quarter, and the latter shall transmit the report, with his comments, to the Colonial Office, for my information: and should the Deputy Landdrost fail in making his quarterly report, the Landdrost of Swellendam shall nevertheless make his report, in order that my attention may be drawn to the apparent neglect.

7. The Deputy Landdrost at Caledon shall keep an accurate Account of all the necessary expenditure occasioned by this measure, which Account he shall furnish annually, at the end of the month of December, to the Board of Landdrost and Heemraden of the Swellendam District, who, after examining and certifying the correctness thereof, shall transmit the same to the Colonial Secretary, keeping an authentic copy for their own information.

8. The Colonial Secretary, after having submitted this Account to me, shall divide the amount of expenditure equally among the seven Drostries and Cape Town; and he shall then call upon the Agents of each of the Drostries (that of Swellendam excepted), and upon the Treasurer of the Burgher Senate, to reimburse to the Drostry of Swellendam the amount of their respective Quotas.

9. The Landdrost of the Cape District shall arrange with the Resident at Simon's Town, the proportion which that Residency shall pay with the Cape District, which proportion shall be included in the payment to be made by the Cape District, and be calculated according to the relative means of the two divisions.

10. The Deputy Landdrost of Caledon shall transmit quarterly to the Secretary's Office in Cape Town, a Return of the number in the Leper District, which Return shall contain the names, sexes, and ages of the Lepers, and report the births and deaths (if any) of the preceding Quarter.

11. In the case of the admission of a Slave into the Leper District, the Proprietor of such Slave shall pay to the Landdrost of the District in which such Proprietor resides, the sum of 2 Skillings per diem, during the continuance of the Slave in the District; and he shall point out to the Landdrost, if required, where he may receive the amount without trouble or delay, since the Treasury of the District will be charged with the maintenance of such Slave at the time of being called upon for its quota of the whole expences, as directed in the 7th Article.

12. The Deputy Landdrost is to take every care to prevent the Persons belonging to the Leper District from going beyond the boundaries of the same, and make known to them the severe penalties they will be liable to, in case they are found beyond them, as in cases of quarantine for contagious disorders is by Law provided.

13. Such future Regulations will be issued with respect to Medical aid, as the exigencies of the place shall appear to require, and as the circumstances of the Colony will admit of.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at George's Town, this 14th Day of February, 1817.

Signed

C. H. Somerset.

By His Excellency's Command,

(Signed)

C. Bird, Dep. Col. Secretary.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS it has appeared from inquiry into the manner in which the Inhabitants of the Country Districts are repaid for the use of their Waggons, Horses, Voorspannen, and Relays, impressed under the usual authorities, that some irregularity prevails herein, by which the assessments in the Districts in this regard are more burthensome to the Inhabitants than they ought to be,—I have therefore thought proper to direct :

1. That the respective Landdrosts shall continue to impress Waggons and Horses, and provide the necessary Relays and Voorspannen, in the manner at present established, whenever required to do so by a competent authority, either Civil or Military.

2. The payment for these Waggons, &c. shall be collected by Assessment as at present, in cases when such Waggons are required for the service of the Colonial Government, or allowed for the particular service of the Interior Districts ; but in cases where Waggons, Horses, or Voorspannen are ordered for the speedier conveyance of Individuals, though specified in the order issued from the Colonial Secretary's Office, to be at the expence of that Individual, (which in those cases to which this paragraph applies shall hereafter be the case) the Field-Cornet or other Magistrate to whom such Government Order shall be shewn, shall require from the party producing it payment, at the usual regulated price forthwith, so that the charge shall by no means be made against the District.

3. In all cases of Waggons, Horses, or Voorspannen, impressed for the Military Service, the Department calling upon the Magistrates for this aid, becomes responsible for the amount of the charge ; and the respective Landdrosts are hereby directed to make the

necessary payment in the first instance, and keeping an accurate account thereof, to call upon the proper Military Department for payment, at the established rates; reporting to me all instances, without delay, where any hesitation shall be made with respect to the immediate payment of the charge brought in, and by no means in future assessing the Inhabitants for Wag-gons, Horses, Relays, or Voorspannen, furnished on this account.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual. ⁽¹⁾

God save the King!

Given under my Hand and Seal, at George's Town, this 14th day of February 1817.

(Signed) C. H. Somerset.

By His Excellency's Command,
(Signed) C. Bird, Dep. Col. Sec.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS difficulties having arisen with respect to Aliens settled in this Colony, who had expressed their wish to become Burghers, and to obtain the privileges thereby granted, among which, that of possessing Lands in property within the Settlement.

Now, having no power vested in me to grant such privileges, I thought it expedient, and for the interest of the good Inhabitants of this place, to refer the case to his Majesty's Government in England, with this effect, that I have received His Royal Highness the Prince Regent's Commands and Instructions thereon.

Be it herefore thereby made known, that I am ready

⁽¹⁾ *Vide supra* Proclamations 16th July 1806, p. 17—12th March 1813, p. 136, and 26th August 1814, p. 172.

to grant Deeds of Burghership, subject to the approbation of His Royal Highness the Prince Regent, to all such Foreigners and Aliens, of good character and conduct, who shall apply for the same, provided that they shall have resided for the last five successive years within this His Majesty's Settlement, upon such Aliens or Foreigners taking the usual Oaths of Allegiance to our Sovereign Lord the King, and upon their paying the usual Fees for the Deeds of Burghership, which shall hereafter be made out upon a Stamp of Two Hundred and Fifty Rix-dollars; and all such Aliens and Foreigners, not having Deeds of Burghership, are hereby cautioned and warned, not to attempt to purchase or hold Lands in property within this His Majesty's Settlement, as after six months from the date of this Public Notice, the penalties of the Law will be rigidly enforced in their regard.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 2d day of May 1817.

(Signed) C. H. Somerset.

By His Excellency's Command.

(Signed) H. Alexander, Secretary.

Proclamation, by His Excellency General the Right Hon. Lord Charles Henry Somerset, &c. &c.

WHEREAS it has been with heartfelt satisfaction that I have remarked and watched the improvement which has of late been effected in the Free School of this Town, and have contemplated the benefits already derived from a Seminary, open to all, wherein the first rudiments of Education are successfully implanted, and

where what is still more pleasing to reflection, the groundwork of those religious and moral sentiments are laid, which cannot fail having the due influence upon the future conduct of their rising generation, and conducing to their permanent welfare.

And whereas it is incumbent upon me, not only acting from those feelings which induce me to use every effort tending to the happiness of the Inhabitants of this Colony, but in furtherance of those beneficial views of His Majesty's Government at Home, which are the basis of their Instructions to those in their employment here, to render every aid in my power towards enlarging the scanty means which have hitherto been placed at the disposal of those who have, from the most laudable motives, undertaken the superintendence of this interesting and important Institution.

And whereas it has been made apparent to me, that neither the Funds hitherto allotted to this object, or the voluntary contributions of benevolent individuals, have been sufficient for meeting the unavoidable expences of this Establishment: I have therefore thought proper to order and direct, that an additional Toll shall be levied at the several Outlets of this Town, on Sundays, and on the side of Green-Point, during the days in the Race-weeks devoted to that amusement, according to the subjoined Tariff, and subject to the Regulations herein prescribed; the net produce of which shall be paid to the Treasurer of the School Commission. Thus those only will be hereby called upon to contribute, who have time and means to spend in occupations, of pleasure and amusement.

The following is the Tariff of additional Toll which is to be payable henceforward at the several Outlets of the Town, on Sundays, and on the Green-Point side, during the days in the Race-weeks devoted to that amusement. It being to be clearly understood, that this

Toll is entirely distinct and separate from the ordinary Toll collected under former Regulations, towards the expence of the Roads, viz :

	<i>Shs.</i>	<i>Sts.</i>
Wagons drawn by six Horses and upwards,	4	0
By four Horses, and less, - - -	2	0
Coaches, Carriages, &c. by four Horses, -	2	0
Coaches, Curricles, Chariots, &c. - - -	1	0
Saddle Horse, - - - - -	0	2

Wagons drawn by Oxen are not to be charged the Sunday Toll ; neither Officers or others, who may claim exemption from the usual Tolls, are to be considered exempted from the Sunday Toll, or from that to be collected on the days allotted to the amusement of Racing.

The Burgher Senate, which, by its Instructions, is to afford every aid in its power to Institutions for Public Education, is to defray the charge of collecting this additional Toll, and that of placing the necessary Toll-bars, at the other Outlets of Town, so that the whole Proceeds shall be paid to the Treasurer aforesaid, without any deduction whatsoever ; the several Collectors giving to the Treasurer, every Monday morning, a return of the collections of the preceding day.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 23d day of May 1817.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS by several Proclamations, dated 20th July and 22d of September 1798, 11th of June 1801, and 7th July 1807, certain Regulations were framed for more speedily enregistering the Transfer of all Estates disposed of by Sale, or succeeded to by Inheritance, and for preventing loss to His Majesty's Revenue from any attempts to evade the payment of the Duties laid upon all such Transfers : And whereas it has been found that notwithstanding the salutary provisions of the aforesaid Regulations, many instances of delay and neglect occur in effecting the Transfers aforesaid, to the great insecurity of private Property, and to the manifest detriment of His Majesty's interests in the premises : Be it therefore hereby ordered and declared, that the Regulations aforesaid, viz: those directed by the several Proclamations of the 20th July and 22d September 1798, 11th June 1801, and 7th July 1807, be henceforth revoked and of no effect, as by the Power and Authority vested in me, they are hereby so revoked, and that in lieu thereof the hereinafter-mentioned Regulations and Enactments be strictly adhered to and enforced, viz :

1. The Transfer Due payable by the Purchaser of an Estate, of 4 per Cent. upon the amount of purchase of Freehold Property or Property held by tenure of Perpetual Quitrent, or by any other Quitrent or Leasehold Tenure held of Government, and of $2\frac{1}{2}$ per Cent. upon the Opstals of Loan Places, is, and remains, payable to His Majesty, within four calendar months subsequent to the day on which the Bargain or Agreement of Sale shall have been concluded between the Parties selling or purchasing, if the Estate sold be situated in Cape Town, District, or Residency of Simon's Town ; or within six calendar months, if the Estate sold be situ-

ated in any of the more distant Districts ; in failure of the payment of which transfer Duty within the aforesaid periods, as the case may be, the Purchaser of any such Property shall become liable to, and shall be charged with double the amount of the Duty due as aforesaid.

2. The Transfer Duties are payable to, and shall be collected by the Collector of Tithes and Transfer Dues as heretofore, who is hereby directed to require the Seller and Purchaser of any dutiable Property, to take and subscribe the following Oath in their respective capacity, which he is duly authorised to administer ; no such Sale or Transfer being to be considered valid, unless the Seller and Purchaser aforesaid shall have taken and subscribed the appropriate Oath, viz :

“I, A. B. do solemnly, in the presence of the Almighty God, profess, testify, and declare, that the Sum of _____ received by me, for the Sale of _____ is the full and entire Purchase Money of said _____ which I sold to

_____ on and that I have not, either by myself, my Agent, or any other person whomsoever, received, or am to receive, any other valuable consideration directly or indirectly, in lieu thereof; and I do further make Oath, that (C. D.) to whom I am about to transfer this Property, is the only person who has purchased this Estate from me ; and that I have never directly or indirectly, sold the same to any other Person or Persons whomsoever : And all this I do swear, without any evasion or secret reservation to be the truth, the whole truth, and nothing but the truth.—*So help me God.*”

I, C. D. do solemnly, in the presence of the Almighty God, profess, testify, and declare, that the Sum of _____ paid by me to A. B. as the Purchase Money for _____ to me sold on

the day of by the said
 is the full and entire Sum of me required ;
 and that the said Sum of is the
 only valuable consideration given for the same by
 me, my Agents, or any other Person employed by
 me : And all this I do swear, without any evasion
 or secret reservation whatsoever, to be the truth,
 the whole truth, and nothing but the truth.—*So
 help me God.*

3. But inasmuch as taking the aforesaid Oaths before the Collector of Tithes may be, in some cases, inconvenient to the Buyers and Sellers of Estates in the distant Districts, it is hereby provided, that the same may be taken before the Landdrost of the District in which such Buyer or Seller resides ; copies of which Oaths, certified by the aforesaid Landdrost, must be transmitted to the Collector of Tithes, who, upon receipt thereof, is hereby authorised and directed to issue the customary Certificate thereof, in order that the Transfer may be passed in the same manner as if the Parties had appeared and made Oath before himself.

4. In like manner, for the convenience of those Purchasers residing in distant Districts, who shall find it convenient to pay the Transfer Duty in the District in which they reside, the respective Landdrosts are hereby authorised and directed to receive the same, upon the Parties complying with the 1st and 2d Articles of the present Regulations, and to grant to such Purchasers a Certificate thereof ; which Certificate must however be exhibited to the Collector of Tithes and Transfer Dues, and be countersigned by him, in order that he may debit the Landdrost with the amount paid into his hands, previous to any Transfer being made of the Property in consequence thereof.

5. And in order to prevent the irregularity arising

from a total neglect of paying the Transfer Duties, after the period has elapsed at which a double Transfer Duty becomes payable to Government, it is hereby further enacted, that if the Purchaser of an Estate shall fail in paying the Transfer Duty thereon, with the Penalty which has been incurred, within two calendar months, subsequent to the period at which he has become liable to double Transfer Duty, he shall then be charged with triple Transfer Duty; but this additional Penalty shall not, when levied, be carried to the account of His Majesty's Treasury, but be appropriated to the Funds of the District in which the default shall have occurred, that is, in which the Estate lies, the Duty upon which has been neglected to be paid.

6. The Courts of Landdrost and Heemraden of the several Country Districts are therefore, at the Annual Opgaaf, to make particular inquiry into the changes which shall have taken place in the Landed Property within their jurisdiction, and the titles of the Occupiers, and give direct notice to the Collector of Tithes of any discovered omissions, in order that he may take the necessary legal measures, which he is hereby required to do, for enforcing the Payments of the Duties and Penalties due to His Majesty therein, without delay.

7. And it is hereby further provided and directed, that the Seller of any Landed Property, as above described, shall, as soon as possible, or at latest within one month subsequent to the period at which the Transfer Duty to Government becomes due, pass, or cause to be passed, a regular public Transfer to the Purchaser, in the manner usual in this Settlement, in default of which, such Seller shall become liable to a Penalty equal to one half of the Transfer Duty due to His Majesty on the Purchase Money of the Estate sold, unless such Seller shall establish satisfactorily, that the neglect has arisen with the Purchaser, and not with

himself; in which latter case, the Purchaser, and not the Seller, will be liable to the Penalty alluded to in this Article.

8. In all cases of Estates changing Proprietors without sale, viz: by exchange of one Estate for another, by Gift, by Legacy, or by Inheritance when liable to Duty, the value of such Estate shall be ascertained upon Oath, by competent Persons, to be appointed by the Landdrost or Magistrate of the District in which such Estate shall be situated; and the Landdrost or Magistrate aforesaid is hereby required to transmit a Certificate of the said Valuation to the Collector of Tithes and Transfer Dues, in order that the amount due to His Majesty may be calculated thereon: This amount shall become payable to the Collector aforesaid, within the time limited for the payment of the Transfer Dues on Sales in the 1st Article of these Regulations, which time shall be calculated from the date at which the transaction took place which gave the holder his claim to the Transfer; the said date to be ascertained by Oath of the Party, if called upon to ascertain it, and a failure in the payment of the said Transfer Duty within the time prescribed, will subject the Party to the same penalties as are to be enforced from Defaulters of payment of Transfer Dues within the limited time in transactions by purchase, in the 1st and 5th Articles of these Regulations.

9. And whereas many Persons having rendered themselves liable to penalties under the former Proclamations, or for other causes have neglected to pay the Transfer Duties due to Government on the purchase of their Estates, and to obtain regular Transfers thereof, such Persons are therefore to notice, that unless they come forward and pay the aforesaid Duties, and procure the necessary Transfers of their respective Properties, within three calendar months from the date of the present

Proclamation, they will incur a further penalty of treble Transfer Duty, which the Collector of Tithes is hereby required forthwith to prosecute them for the recovery thereof; and the Sellers of Estates to Persons so situated, are also hereby warned, that unless they shall make it appear that they shall have used due diligence in endeavouring to effect the Transfers of Estates so sold to the respective Purchasers, within the time herein prescribed, they, the Sellers, will be liable to a penalty of one-half the amount of Transfer Duty, due on the purchase money of the Estate which shall not then have been transferred, which penalty will be immediately thereafter enforced.

10. It is hereby further provided, ordered, and authorised, that all Penalties sued for under the present Proclamation, shall be recoverable (provided the Suit be instituted within Twelve Calendar Months subsequent to the date of the last default), either by Process in the Worshipful the Court of Justice, or in the Court of Circuit, or in the Court of Landdrost and Heemraden, before which latter Court, the Secretary to the District, in which the action shall be brought, shall act herein as Agent for the Collector of Tithes and Transfer Dues, as need shall be.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 2d day of January 1818.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) H. Alexander, Secretary.

Proclamation ⁽¹⁾ *by His Excellency General the Right Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS the Provisions contained in the Proclamation of the 30th June 1803, with regard to Mechanics and others brought into this Colony under Contract of Service, appear to me to be insufficient for securing to each of the contracting Parties the rights to which they are mutually entitled by their Engagement: And whereas it has been represented to me, that with regard to other Masters and Servants generally in this Settlement, no sufficient Provision exists, and especially, that in the reciprocal relations between Tradesmen and their Apprentices, there is not that security and regularity which are required, so as on the one side to oblige the Master to the due performance of his duty in the instruction and treatment of his Apprentice, and on the other side, to bind the Apprentice to due obedience and continuation with the Master, until the time of his Apprenticeship be expired.

I have therefore deemed it expedient to renew, alter, and amplify the said Proclamation of the 30th June 1803, and to order and direct as is hereunder directed:

1. Mechanics, or other Persons under Contract of Service for a limited time, as more fully described in said Proclamation of the 30th June 1803, who shall from time to time come, or be brought into this Colony or shall be already here under Engagements of this nature, shall not leave their respective Services previous to the expiration of their several Engagements, without the written consent of their Masters, on pain of being liable to arrest and immediate imprisonment, to be carried into execution by order of His Majesty's Fiscal, on complaint of the Master: His Majesty's Fiscal, however, after having previously endeavoured to reconcile

(1) Repealed in so far as relates to crimes and misdemeanors by the "Crown Trial," dated 2d September 1819.

the Parties, shall, without further process, as soon as possible, (at the utmost within 48 hours) bring the Case before the Sitting Commissioner of the Court of Justice, for the Trial of lesser Offences, agreeably to the Proclamations of the 17th July 1798, and of the 25th September 1813, and summarily proceed against such arrested Person, conformably to the tenor of the last-mentioned Proclamation.

2. The Sitting Commissioner shall have authority, when he finds that the Accused has broken his Engagement without sufficient reason, not only to include in his condemnation a decree of confinement, for a term not exceeding two months, but also, should he find the Accused not to have had any just grounds for his breach of Contract, or that there have been aggravating circumstances attending his misconduct, to sentence him, over and above the confinement, to a fine not exceeding Twenty-five Rixdollars, and for a second or repeated offence, to corporal punishment in the prison.

3. The Accused shall be at liberty to appeal from the decision of the Sitting Commissioner to the full Court, provided such Appeal be made conformably to the Regulations pointed out in the Proclamation of the 17th July, 1798, agreeably to which (saving the prosecution of the Appeal) the Sentence of the Sitting Member shall be carried into execution, for so far as the same shall not be attended with any infamy, or other grief not reparable by the decision of the Full Court, whose Sentence in these Cases shall be final.

4. Should it appear, on investigation of the Case, that the Accused, instead of being guilty, has just grounds of complaint against his Master, the R. O. Prosecutor, agreeably to the 19th Article of the Proclamation of the 25th September, 1813, shall make such declaration or claim, with regard to the Master, as he may deem advisable, on which claim the Sitting Com-

missioner shall pass such Sentence as he, in good justice, shall think proper.

5. Such aforesaid Sentence of the Sitting Commissioner against the Master, shall be appealable from to the Full Court, but subject to the same restrictions as those prescribed in the 3d Article, with regard to Persons bound.

6. All pecuniary condemnations in the above Cases shall be carried into execution, in the usual manner, by the chamber for Regulating Insolvent Estates, after a single previous Summons; but the confinement on the Decree of the Court shall be carried into effect without further form of process.

7. In the same manner, the Fiscal shall proceed on such complaints of Persons who have come or shall be brought into the Colony under Contract of Service, as may be preferred by them against their Masters, who in such cases shall be reciprocally liable, not only to indemnify the Complainant, should he have injured him, but also, in case of such ill treatment as is cognizable by the Sitting Commissioner, to a proportional correction, according to the nature of the Case and the existing Laws of the Colony.

8. With respect to the right of residence in this Colony, that which is enacted in the abovementioned Proclamation of the 30th June 1803, is considered as herein inserted: so that the discharge of any Person from his Master's Service gives him no right of residence whatever, the grant of such right having been and being always vested in the Governor for the time being; whilst those who remain in this Settlement, without permission of me, or from the Governor for the time being, after the expiration of the term of their Contract, shall be liable to all the pains and penalties prescribed in said Proclamation.

9. In order to prevent any persons, who may come to this Colony under Contract of Service, from being seduced or persuaded to leave their Master's Service, or from being aided in breaking their aforesaid engagements, no Person shall, willingly and knowingly, receive or employ in his Service such Contracted Persons, on penalty, on conviction, of Two Hundred Rix-dollars for the first offence, Five Hundred for the second, and for the third, a like penalty of Five Hundred Rixdollars, and six months imprisonment; whilst those who harbour such persons, without a written consent of their master or without a written permission from the Magistrate, or in any wise aid or assist them in leaving their Service, shall forfeit, for each offence, a penalty of Fifty Rix-dollars, over and above such further pains and penalties, as the harbouring of Strangers, or other Persons not provided with a regular Pass, is, by the existing Laws of the Colony, subject to, as well in the Country Districts as in Cape Town.

10. Apprentices legally bound by their Parents or Guardians, by written Indenture, for a stated time, in order to learn a Trade, shall not leave their Masters, until they shall have served out the time of such Apprenticeship, on pain of being, on grounded complaint of such Masters, which complaint shall be brought before the Sitting Commissioner, compelled by confinement, to return to their Masters and in case of obstinate resistance, or being over and above punished by fine not exceeding Fifty Rix-dollars, and temporary imprisonment not exceeding three months.

11. Should an Apprentice, however, consider himself aggrieved by his Master, he is (if a Minor, assisted by his Parents or Guardians,) to prefer his complaint to his Majesty's Fiscal, in order after due investigation, that Justice be equally done the Apprentice.

12. All proceedings on the complaints of Master Tradesmen, or of Apprentices, shall be carried on, and the execution of the Sentence take place, conformably to the Proclamation of the 17th July 1798, and of the 25th September 1813,⁽¹⁾ under such modifications as are further prescribed hereby; and in case of Appeal to the Full Court, the decision thereof shall be final.

13. His Majesty's Fiscal shall proceed in the same manner as has been prescribed in the seven first Articles of the present proclamation, in all complaints preferred to him by Tradesmen, and other Inhabitants, against such of their Servants, not belonging to the class of Free Blacks, as have no right of residence in this Colony, and *vice versa*, by such Servants against their Masters. But if the Servants have been allowed the right of residence here, or otherwise are Natives of this Colony, then in the same manner as has been prescribed in the 10th, 11th, and 12th foregoing Sections.

14. Finally—In all Complaints constituting the subject of this Proclamation, which shall occur in the Country Districts, the respective Secretaries (that of the Cape District excepted,) shall proceed therein as His Majesty's Fiscal is hereby directed to proceed in Cape Town; with this understanding, that the Landdrost of the Cape District shall bring the Complaints before the Sitting Commissioner of the Court of Justice, and the Secretaries of the other Districts, before the Courts of Landdrost and Heemraden, whose Sentence, in case of Appeal, shall be subject to the final Judgment either of the Annual Commission of Circuit, or of the Full Court, to be decided by the Court in case of dispute about the choice.

And I hereby order and direct the Worshipful the Court of Justice, His Majesty's Fiscal, and all the

(¹) Repealed by Crown Trial, 2d July 1819.

other Magistrates, to observe, and cause to be observed, these my Orders and Directions.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 26th day of June 1818.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) C. Bird, Secretary.

Government Advertisement.

NOTICE is hereby given, that the Licence for Game does, on no account, authorise the destruction of that species of Deer called Bontebok, found in the District of Swellendam ; as these Animals are so scarce His Excellency entirely forbids their being destroyed. ⁽¹⁾

Cape of Good Hope, 20th November 1818.

By Command of His Excellency the Governor,

(Signed) C. Bird, Secretary.

Proclamation by His Excellency General the Right

Hon. Lord Charles Henry Somerset, &c. &c.

WHEREAS information has been received that the Border Chiefs who are at variance with the principal Chief Gaika, have entered the Province of Albany (Zureveld) in several directions, and have committed great and unforeseen Outrages, Devastations, and Murders :

Now, in order to put a stop to these Calamities, I have thought proper to call out a considerable Commando from each of the Interior Districts, for the purpose of driving those Marauders over the known Boundaries of this His Majesty's Settlement ; and I have further thought proper to send a Military Force to sup-

(1) See Proclamation 21st March 1822, *infra*.

port the same, under the Command of Lieut-Colonel Willshire, of His Majesty's 38th Regiment of Foot, whom I have appointed to the Command of the whole of this united Force.

These are therefore to give Notice, that from and after the promulgation of these presents, Martial Law shall be in force within the Drostdies of Graaff-Reinet, Uitenhage, and all such Places in which the aforesaid Force shall be employed, for all cases connected with the assembling and conducting the aforesaid Commando, and continue to be in force until the object thereof be accomplished, of which the aforesaid Officer Commanding, or Senior Officer for the time being, duly authorised by me, shall give public notice, but without prejudice to the usual course of Law in all other matters whatsoever.

And that no Person may plead ignorance hereof, I have thought proper to direct, as I do by these presents, that besides the usual mode of making known the same, each Field-Commandant and Field-Cornet shall be furnished with a Copy hereof.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 3d day of March 1819.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) C. Bird, Secretary.

Government Advertisement.

HIS Excellency the Acting Governor, Commanding in Chief, has been pleased to direct the following Orders of His Majesty in Council to be made public, for general information.

Cape of Good Hope, 6th October, 1820.

By His Excellency's Command,

(Signed) C. Bird, Secretary.

At the Court, at Carlton House, the 12th July 1820, present, the KING's Most Excellent Majesty in Council.

WHEREAS by an Act passed in the first year of the reign of his present Majesty, intituled "An Act to continue until the fifth day of July, one thousand eight hundred and twenty-five, an Act of the fifty-seventh year of His late Majesty, for regulating the Trade and Commerce to and from the Cape of Good Hope, and for regulating the Trade of the Island of Mauritius," His Majesty is authorised, by and with the advice of His Privy Council, by an Order or Orders to be issued from time to time, to give such directions, and to make such regulations touching the trade and commerce to and from the Settlement of the Cape of Good Hope, and the Territories and Dependencies thereof, as to His Majesty in Council shall appear most expedient and salutary, any thing contained in an Act passed in the twelfth year of the reign of His Majesty King Charles the Second, intituled "An Act for encouraging and increasing of Shipping and Navigation;" or in an Act passed in the seventh and eight years of the reign of His Majesty King William the Third, intituled "An Act for preventing Frauds and regulating Abuses in the Plantation Trade," or any other Act or Acts of Parliament now in force relating to His Majesty's Colonies and Plantations, or any other Act or Acts of Parliament, Law, Usage, or Custom to the contrary, in any wise notwithstanding; His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that from and after the date of this present Order, British vessels arriving at any port of the Settlement of the Cape of Good Hope, or of the Territories and Dependencies thereof, from any country in amity with His Majesty, laden with any articles of

the growth, production, or manufacture of such country (excepting all articles composed of cotton, iron, steel, or wool, of foreign manufacture), shall be permitted to enter and land their cargoes, and dispose of the same in the ports, subject to such duties as may be there payable thereon :

And it is further ordered, that British vessels arriving as aforesaid, shall be permitted to export to any such foreign country in amity with His Majesty, cargoes consisting of any articles of the growth, production, or manufacture of the Settlement of the Cape of Good Hope, or of the Territories and Dependencies thereof, or of any other articles which shall have been legally imported there, on payment of such duties as may be payable thereon :

And it is hereby further ordered, that vessels belonging to the subjects of any foreign state in amity with His Majesty, which foreign state shall allow British vessels to carry on trade as aforesaid betweed the ports of such state and the Settlement of the Cape of Good Hope, or the Territories and Dependencies thereof, shall be permitted, in like manner, to import into the ports of the said Settlements, or of the Territories and Dependencies thereof, from any port of the state to which such vessel shall belong, any articles of the growth, production or manufacture of such foreign state, (excepting all articles composed of cotton, iron, steel, or wool, of foreign manufacture,) and to dispose of the same in the ports of the said Settlement, or of the Territories and Dependencies thereof, on payment of the same duties as shall be payable on the like articles, when imported from such foreign state in British vessels ; provided, however, that if higher duties are charged on the export of such goods from any such foreign state to the Settlement of the Cape of Good Hope, or the Territories and Dependencies thereof, in British vessels, than are charged on the export of similar articles to the said Settlement, or the

Territories and Dependencies thereof, in ships of such foreign state, a countervailing duty, of equal amount shall be charged on the said articles when imported into the said Settlement, or the Territories and Dependencies thereof, in vessels of such foreign state, over and above the duties payable on the like articles when imported from such state in British vessels:

And it is hereby further ordered, that every such foreign vessel shall be permitted to export a cargo, consisting of any articles of the growth, production, or manufacture of the Settlement of the Cape of Good Hope, or of the Territories and Dependencies thereof, or of any other articles which shall have been legally imported there, on payment of a duty of eight per cent *ad valorem* over and above the duties charged on the like goods when exported from the said Settlement, or the Territories and Dependencies thereof, to such foreign state in a British vessel; provided, however, that in cases where satisfactory proof shall be given, that the said articles, when imported into such foreign state from the Settlement of the Cape of Good Hope, or the Territories and Dependencies thereof, in British vessels, are charged with no higher duties than are charged on the like articles when imported in vessels of such foreign state; and that such articles, when imported in British vessels, are entitled to the same privileges and advantages with respect to warehousing and internal consumption, or otherwise, as when imported in vessels of such state, then and in such case no higher duties shall be charged on the export of such articles from the Settlement of the Cape of Good Hope, or the Territories and Dependencies thereof, in vessels of such foreign state, than shall be charged on the export of the like articles in British vessels to such foreign state:

It is, however, hereby further ordered and declared, that no foreign vessel, allowed by the terms of this

Order to export a cargo from the Settlement of the Cape of Good Hope, or the Territories and Dependencies thereof, shall be permitted to export such cargo to any of His Majesty's possessions, or to any other place than a port or place belonging to the state or power to which the vessel itself shall belong.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

Chetwynd.

At the Court, at Carlton House, the 12th July 1820, present, the KING's Most Excellent Majesty in Council.

WEEREAS by an Act passed in the first year of the reign of His present Majesty, intituled an "Act to continue until the fifth day of July, one thousand eight hundred and twenty-five, an Act of the fifty-seventh year of His late Majesty, for regulating the Trade and Commerce to and from the Cape of Good Hope, and for regulating the Trade of the Island of Mauritius;" His Majesty is authorised, by and with the advice of His Privy Council, by any Order or Orders to be issued from time to time, to give such directions, and to make such regulations touching the trade and commerce to and from all Islands, colonies, or places, and the territories and dependencies thereof, to His Majesty belonging, or in his possession, in Africa or Asia, to the eastward of the Cape of Good Hope (excepting only the possessions of the East India Company) as to His Majesty in Council shall appear most expedient and salutary, any thing contained in an Act passed in the twelfth year of the reign of His Majesty King Charles the Second, intituled "An Act for the encouraging and increasing of Shipping and Naviga-

tion ;” or in an Act passed in the seventh and eighth years of the reign of His Majesty King William the Third, intituled “ An Act for preventing Frauds, and regulating Abuses in the Plantation Trade ;” or any other Act or Acts of Parliament now in force, relating to His Majesty’s Colonies and Plantations, or any other Act or Acts of Parliament, Law, Usage, or Custom to the contrary in anywise notwithstanding : and whereas by virtue of the powers granted by the above-recited Act of the fifty-seventh year of His late Majesty, an Order in Council was passed on the twenty-eighth of May, one thousand eight hundred and nineteen, for regulating the Trade of the Island of Mauritius, with states in amity with His Majesty, on the conditions therein set forth, His Majesty is pleased to direct, that the said Order be, and the same is hereby revoked ; and His Majesty is further pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that from and after the date of this present Order, British vessels arriving at any port of the Island of Mauritius, or its Dependencies, from any country in amity with His Majesty, laden with any articles of the growth, production, or manufacture of such country (excepting all articles composed of cotton, iron, steel, or wool, of foreign manufacture,) shall be permitted to enter and land their cargoes, and dispose of the same in the said ports, subject to such duties as may be there payable thereon :

And it is further ordered, that British vessels arriving as aforesaid, shall be permitted to export to any such foreign country in amity with His Majesty, cargoes consisting of any articles of the growth, production, or manufacture of the Island of Mauritius, or its Dependencies, or of any other articles which shall have been legally imported there, on payment of such duties as may be payable thereon :

And it is hereby further ordered, that vessels belonging to the subjects of any foreign state in amity with His Majesty, which foreign state shall allow British vessels to carry on trade as aforesaid, between the ports of such state and the Island of Mauritius shall be permitted in like manner to import into the ports of the Island of Mauritius, or its Dependencies, from any port of the state to which such vessels shall belong, any articles of the growth, production, or manufacture of such foreign state (excepting all articles composed of cotton, iron, steel, or wool, of foreign manufacture,) and to dispose of the same in the ports of the said Island and its Dependencies, on payment of the same duties as shall be payable on the like articles when imported from such foreign state in British vessels: provided, however, that if higher duties are charged on the export of such goods from any such foreign state to the Island of Mauritius in British vessels, than are charged on the export of similar articles to the said Island in ships of such foreign state, a countervailing duty of equal amount shall be charged on the said articles when imported into the Island of Mauritius, or its Dependencies, in vessels of any foreign state, over and above the duties payable on the like articles when imported from such state in British vessels:

And it is hereby further ordered, that every such foreign vessel shall be permitted to export a cargo consisting of any articles of the growth, production, or manufacture of the Island of Mauritius, or its Dependencies, or of any other articles which shall have been legally imported there, on payment of a duty of eight per cent. *ad valorem*, over and above the duties charged on the like goods when exported from the Island of Mauritius, or its Dependencies, to such foreign state in a British vessel; provided, however, that in cases

where satisfactory proof shall be given that the said articles when imported into such foreign states from the Island of Mauritius in British vessels, are charged with no higher duties than are charged on the like articles when imported in vessels of such foreign state; and that such articles when imported in British vessels are entitled to the same privileges and advantages with respect to the warehousing and internal consumption, or otherwise, as when imported in vessels of such state, then and in such case no higher duties shall be charged on the export of such articles from the Island of Mauritius or its Dependencies, in vessels of such foreign state, than shall be charged on the export of the like articles in British vessels to such foreign state:

It is, however, hereby further ordered and declared, that no foreign vessel, allowed by the terms of this Order, to export a cargo from the Island of Mauritius or its Dependencies, shall be permitted to export such cargo to any of His Majesty's Possessions, or to any other place than a port or place belonging to the state or power to which the vessel itself shall belong.

And the Right Honorable the Lords Commissioners of his Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.
Chetwynd.

Government Advertisement.

HIS Excellency the Governor has been pleased to direct that the following Order of His Majesty in Council, shall be made public, for the general information; and the Principal Officers of His Majesty's Customs are to regulate themselves accordingly thereby.

Cape of Good Hope, 14th March 1822.

By Command of His Excellency the Governor,
(Signed) C. Bird, Secretary.

*At the Court, at Carlton House, 14th November 1821,
present, the KING'S Most Excellent Majesty in
Council.*

WHEREAS it is expedient, that the Duties now charged upon certain Articles imported into the Settlement of the Cape of Good Hope, and the Territories and Dependencies thereof, should be altered, and other Duties be collected in lieu thereof, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that from and after the publication of this Order, at the Cape of Good Hope, there shall be levied and collected, upon all Articles, the produce or Manufacture of the United Kingdom, imported into the said Settlement of the Cape of Good Hope, and the Territories and Dependencies thereof, a Duty not exceeding Three and One Quarter per Cent. of the value of such Articles, respectively, in lieu of the Duties now collected upon the said Articles, in the said Colony:—and the Right Honorable the Lords Commissioners of His Majesty's Treasury, and the Right Honorable Earl Bathurst, one of His Majesty's Principal Secretaries of State, are to give the necessary Directions herein as to them may respectively appertain.

(Signed)

J. Buller.

Proclamation ⁽¹⁾ *by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS it has appeared to me, that the existing Regulations against the destruction of Game, and for the preservation of some particular Species of the same, do not wholly meet the laudable object, with which they

⁽¹⁾ *Vide supra* Government Advertisement, 17 Feb. 1815, p. 196.—and 20 Nov. 1818, p. 221.

have been established; and whereas the rapidly-encreasing Population, renders it daily more necessary to guard against the total destruction of Game, in this Colony, in the most efficacious manner;—I have thought proper to order and direct, and it is hereby ordered and directed, accordingly:—

1. That from and after the 1st July until the 30th November, in each Year, both Days inclusive, all Persons whosoever, are strictly forbidden to shoot any Pheasant, Partridge, Korhaan, Wild Peacock, (Paauw,) Ostrich, Buck, (comprising the whole Antelope Species,) Hare, or Zebra, under a Penalty of Fifty Rixdollars, for each head of Game killed during said period; namely, from the 1st July to the 30th November, in every Year, both Days included, together with all the Costs and Expences attending the Prosecution; or, in failure of payment thereof, one Month's Imprisonment in the Gaol of the District, in which such Offence shall have been committed, for every Fifty Rixdollars which, the Transgressor shall be found to have forfeited, in proportion to the quantity of Game he may have killed.

2. From this Prohibition and Penalty, are, however, exempted, Farmers and other free Persons travelling through the Country, and shooting Game for their actual consumption on the road, provided it be on the other side of Hottentot's Holland Kloof, and at the other side of the Great Berg River, so that the Prohibition contained in the preceding Article, is to be in full force and rigour in the whole of the Cape District, and in the District of Stellenbosch, at this side of the Hottentot's Holland Mountains and the Great Berg River, under a like Penalty of Fifty Rixdollars, for each head of Game which shall be found to have been shot in the Cape or Stellenbosch District, respectively, within the limits herein specified, or beyond the same, if not actu

ally shot on the road for the consumption of Farmers or other free Persons travelling through the Country; or one Month's Imprisonment in case of failure of payment, in proportion of the pecuniary Penalty incurred. In no case, whatever, shall Game, so shot, be brought into Cape Town, or any of the Residencies of the Country Districts, under the Penalty hereafter prescribed in Article 14.

3. That no Person whosoever, shall, at any time, wilfully catch or destroy any Pheasant, Partridge, Korhaan, Wild Peacock, Ostrich, Buck, Hare, or Zebra, either by Net, Snare, Spring or other Engine, under the same Penalty, as prescribed in the two foregoing Articles.

4. It is hereby especially enacted, that no Person shall, at any time, knowingly or willingly catch, take away, or destroy the Young or Eggs of any such Game, as aforesaid, under a Penalty of Fifty Rixdollars for every Offence, together with all the Costs and Expences attending the Prosecution; or, in failure of payment thereof, one Month's Imprisonment in the Gaol of the District in which the Offence shall have been committed.

5. Exclusive of the period prescribed in the 1st Article; that is to say, from the 1st December to the 30th June, in each Year no Person whosoever shall be at liberty, any where, to shoot or kill any Pheasant, Partridge, Korhaan, Wild Peacock, Ostrich, Buck, Hare, or Zebra, either by Gun or Dog, unless he shall have previously obtained a Licence to that effect; that is to say, all Persons residing in Cape Town, Cape District, and the Residency of Simon's Town, from the Colonial Office; and all other Persons from the respective Landdrosts, on a Stamp of Five Rixdollars, which Licence will be in force only for one Season, viz: From the 1st December to the 30th June, in each Year, both days inclusive: any Person shooting, killing, or de-

stroying Game, without such Licence, shall forfeit the Penalty prescribed in Article 1.

6. No Holder of such Licence, however, shall be at liberty to shoot or kill any Elephant, Sea-Cow (Hippopotamus), Bontebuck, without having obtained a Special Permission to that effect, from the Governor for the time being, under a Penalty of Five Hundred Rixdollars for each Offence; or, in failure of payment thereof, six Month's Imprisonment in the Gaol of the District in which the Offence shall have been committed. [*Extended to Elands, 14th March 1823.—Repealed as to Elephants, 23d August 1822.*]

7. That no Person or Persons whosoever, shall, under warrant of any Licence, or other authority, pursue or kill any Game in or upon any Lands, the property of, or lawfully occupied by, any Individual in the Colony, without the express permission of the Proprietor or Occupier thereof, under a Penalty of Twenty-five Rixdollars for the first Transgression; and of One Hundred Rixdollars on repetition of the Offence after the first warning, over and above the payment of Damages, if such be proved, recoverable by ordinary prosecution at Law; provided always, that due notice and warning shall have been given not to trespass in the pursuit of Game, on the lands of the said Proprietor or Occupier.

8. That it shall, at any time, be lawful for any Proprietor or Occupier of Land, which shall have been brought into cultivation, to kill, destroy, and drive forth, from and out of such Land, being in a state of cultivation, all and every species of Game which shall have entered or harboured, to the loss, annoyance, and injury of the Proprietor or Occupier; provided always, that it shall not be lawful to pursue or destroy such Game, out of, or beyond, the limits of the Land so cultivated.

9. As the respective Holders of the Leases of Go-

vernment Places, situated at Groenekloof, are expressly forbidden, by the Conditions of the Leases, either to shoot, catch, kill, or otherwise destroy, any Game within the Limits of their respective Places, or allow others so to do; such prohibition is hereby converted into a permanent Law; and, that all Game found on those Places being more especially considered as Public Property, neither the respective Holders of such Leases, nor any other Person or Persons whosoever, whether provided with a Licence or not, shall be at liberty, at any time, there to shoot or kill any Game specified in this Proclamation (save and except the liberty granted by Article 8), under a Penalty of Fifty Rixdollars for each head of Game so shot or killed; and, on failure of payment thereof, one Month's Imprisonment in the Town Gaol, for every such fifty Rixdollars so forfeited, and not paid.

10. That any Herdsman, Shepherd, or other Person, having the charge of, or attending Cattle, who shall be found in the Fields, carrying a Gun, loaded with shot of a smaller size than those which are commonly known and called by the name of *Loopers*, or who shall be found in the Fields with any Shot of a smaller size in his custody or possession, shall forfeit such Gun; and his Master, or Employer, moreover, be fined in the sum of Twenty Rixdollars, together with all Costs and Expenses attending the Prosecution, in case of conviction; or in failure of payment thereof, one Month's Imprisonment in the Gaol of the District in which the Offence shall have been committed.

11. That no Slave shall, at any time, be permitted to shoot or destroy Game, on pain of forfeiture of the Gun, or other Engine, and a further punishment of one Month's Imprisonment; the Costs and other Expenses attending the Prosecution, to be paid by the Master, on conviction.

12. And whereas, many Persons hire, or employ Hottentots, or other free Persons, to shoot for them in the capacity of Gamekeepers, or for the pretended purpose of supplying their Tables with Game; be it hereby further ordered and declared, that such Hottentot, or other free Person, shall not be allowed to shoot upon any other Lands than what are *bona fide* possessed by his Master or Employer; unless he be provided with a written Permission, from the Proprietor or Occupier of such Land, not belonging to his Master or Employer, as he may wish to shoot upon, under a Penalty of One Hundred Rixdollars; such Fine to be recovered of his said Master or Employer, together with all Costs and Expences attending the Prosecution, on such Hottentot or free Person being convicted of the Offence.

13. That as the employing of the Sabbath Day, for the amusement of shooting, is a most immoral and profligate practice, it is therefore hereby most strictly forbidden, to shoot or kill any kind of Game, at any season of the Year, on a Sunday; and every Person, without exception, hereafter convicted of offending herein, shall be fined in a Penalty of One Hundred Rixdollars for the first offence; and Three Hundred Rixdollars for each repetition, after a first conviction.

14. That no live Game shall, at any time, nor dead Game, between the 1st July and the 30th November of each Year, both Days included, be suffered to pass by, or be carried through, the Toll or Barrier Gates, without a special Permission from the Governor, for the time being, under a Penalty of Fifty Rixdollars, to be recovered of the Person, in whose custody or possession such Game shall be found, together with all Costs and Expences attending the Prosecution to conviction, or six Months' Imprisonment, in failure of payment thereof.

15. All transgression against this Proclamation shall

be respectively prosecuted before the Sitting Commissioner, from the Worshipful Court of Justice, or the Landdrost and commissioned Heemraden of the District in which the offence shall have been committed, by the competent Officer of such District; and the sentence given in such case shall be subject to re-hearing and appeal, provided the Defendant, should he feel himself aggrieved thereby, previously complies with the sentence in the first instance, and that such compliance, as well as the deposit of the Penalty, for a frivolous re-hearing or appeal having been made, shall appear to the Court above.

16. All Prosecutions resulting from a contravention of this Proclamation, shall be carried on summarily,—and the Judge, should he, in this particular case, feel himself otherwise sufficiently instructed to pass a sentence of condemnation, shall not be bound to the necessity of requiring the oath of two consonant Witnesses; a groundless plea, though eagerly resorted to, in cases where the offence has been committed, without being witnessed by a plurality of impartial Persons.

17. All contraventions of this Proclamation shall be prosecuted by the competent Officer, within three Months from the time the Offence shall have been committed; after the expiration of which period, all right of prosecution shall cease.

18. And in order as much as possible, to encourage the Preservation of Game, the following Rewards shall be given to all such Persons as destroy Vermin, or other noxious Animals, viz:

		<i>Rds.</i>	<i>Sk.</i>
For every Tiger,	- -	25	0
_____ Wild Dog,	- -	5	0
_____ Wild Cat,	- -	1	0
_____ Mousehound,	- -	0	4
_____ Hawk,	- -	0	4

These Sums shall be paid out of the Treasuries of

the respective District in which the Vermin or noxious Animals shall have been killed, on a certificate from the Field-Cornet or Wardmaster of the District :—" That the Head of such Animal has been produced to him," —which certificate must be applied for and obtained, within eight days after the Animal, for which the reward is promised, has been destroyed.

[*Repealed* vide *Ord. No. 3, 1825, and No. 45, 1828.*]

19. The half of all fines, recovered in consequence of contravention of this Proclamation, shall be paid to the Informer, and the other half to the Treasury of the District in which the Offence shall have been committed, in order to defray the Rewards for the Destruction of Vermin, and other noxious Animals, as mentioned in the forgoing Article.

20. From the Limitations contained in this Proclamation, Hunting with Hounds is exempted, which as in nowise tending to the Destruction of Game, is to be allowed on the same footing as heretofore ; provided it be conducted by Hunting Clubs, established under the Sanction of His Excellency the Governor for the time being.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 21st day of March 1822.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) C. Bird, Secretary.

Proclamation ⁽¹⁾ *of His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS it has been represented to me, that certain Individuals (probably ignorant of the Laws of the Colony) have proposed to convene Public Meetings, for the discussion of Public Measures and Political Subjects, contrary to the Law and usage of this Place, I deem it therefore necessary thus publicly to notify, that all Meetings so convened are contrary to Law, and that every person who attempts to convene any Meeting or Assemblage of such nature, without my sanction and authority or the authority of the chief Local Magistrate, in distant Districts where the object of such Meeting may be of so urgent a nature, that my authority and sanction cannot be obtained, or any Person attending such unsanctioned Meetings, is guilty of a high Misdemeanour, and is severely punishable for such Offence: And I, moreover, hereby warn all Persons who may, notwithstanding, be induced to convene, or attend, any such Public meeting, that the Local Authorities have been authorised and required to disperse the same, and after the promulgation of these presents, to arrest and bring to justice, all and every Individual who shall infringe the ancient Laws and Usages of the Colony entrusted to my care.

And whereas certain ignorant, malevolent, or designing Persons, have thought proper to assert and insinuate, that the Governor of this Colony is not duly made acquainted with the Petitions or Complaints preferred by those who feel themselves aggrieved, or who have occasion to address me, as His Majesty's Representative, on their respective Cases and Interests, I do therefore deem it advisable to acquaint all Persons, that in no instance is any Petition, Memorial, or Letter,

(1) *Vide Ordinance No. 90—1832, and Proclamation 6th June 1832.*

addressed to this Government, which does not come under my immediate cognizance, or in which the Order is not given under my own Hand; and that in most instances, the contrary supposition is alone adduced, to cover language and expressions which could not be tolerated, if addressed immediately to His Majesty's Representative, without offence to the Laws, in this case provided.

And, I do, hereby further make known, that, participating most anxiously and sincerely, in the distress which has been unavoidably felt, from the total failure of two successive Harvests, and various other causes, by such of my Countrymen as sought an asylum in this Settlement, in the year 1820, I shall unceasingly court every opportunity of redressing their real grievances, and of promoting their general and individual welfare; but that it is, at the same time, my firm determination, to put down, by all the means with which the Law has entrusted me, such attempts as have been recently made to disturb the Public Peace, whether by inflammatory or libellous Writings, or by any other Measures, of which I give those concerned, this Public Warning, that no one may have cause to plead ignorance of the Laws of the Colony, when called to account for transgressions so materially and injuriously affecting the Public Peace.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 24th day of May 1822.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) C. Bird, Secretary.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS it has appeared to His Majesty's Government, that the Laws in force in this Colony, relating to Testamentary Dispositions of Property, may in their operation, defeat the expectations of those Individuals who have emigrated, and become Settlers within the jurisdiction of this Government; and I have in consequence thereof received His Majesty's Most Gracious Commands to make Provision in the Premises according to circumstances: I do therefore, in pursuance thereof, and by virtue of the Authority in me vested, hereby make known, declare, and order, That it shall be hereafter considered lawful, regular, and of full force, for all Residents and Settlers in this Colony of the Cape of Good Hope, being natural born Subjects of the United Kingdom of Great Britain and Ireland, to enjoy the same Rights of devising their Property, both real and personal, as they would be entitled to exercise under the Laws and Customs of England; provided, however, that in case any such natural born Subject of the United Kingdom of Great Britain and Ireland shall enter into the Marriage State within this Settlement, without making a previous Marriage Settlement, (called in the Colonial Law term Ante-Nuptial Contract) his Property in such case, both real and personal, shall be administered and divided according to Colonial Law, notwithstanding any subsequent Testamentary Devise unless such subsequent Testamentary Devise, be made in conjunction with the Wife of the Party, according to the Colonial Law on this head.

And it is hereby further made known and ordered, that the original Will or Testament of any Person dying in this Colony, shall be deposited, as usual, in the Orphan Chamber, at Cape Town, in order to le-

galize the administration of the Estate, by the Executor or Administrator thereof.

And I do hereby further order and direct the President, or acting President, of any of the Matrimonial Courts of this Government, to explain clearly, to every natural born Subject of the United Kingdom of Great Britain and Ireland, who shall be about to enter into Matrimonial Engagements, and appear for that purpose before such Courts, the tenor of this my Proclamation,—noting on their Record their having so done, that no Man may justly plead ignorance of this Provision.

And in order still further to obviate the plea of not knowing the Law on this head, I have caused this Proclamation to be published and affixed as usual, and to appear in three successive Gazettes.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 12th day of July 1822.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) C. Bird, Secretary.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS various Notes, Bills of Exchange, and Drafts, for Money, for very small Sums, under the appellation of "*Good fors*," have been for some time circulated or negotiated in the Frontier Districts of this Settlement, and elsewhere, to the great prejudice of Trade and Public Credit; I have, therefore, thought proper, after full consideration, to declare and order, by Virtue of the Authority in me vested; that all Promissory or other Notes, Bills of Exchange, Drafts, or Under-

takings in Writing, being negotiable or transferable, for the payment of any Sum or Sums of Money less than the Sum of *Fifty* Rix-dollars, in the whole, which shall or may be issued, at any time from and after the 15th Day of September next, 1822, shall be, and the same are hereby declared to be, absolutely void and of no effect,—any usage or custom to the contrary notwithstanding.

And I hereby further order and direct, that if any Person or Persons shall, at any time or times, from and after the aforesaid 15th day of September next, 1822, by any act, devise, or means whatsoever, publish or utter any such Notes, Bills, Drafts, or Engagements as aforesaid, for a less Sum than Fifty Rix-dollars, or on which less than the Sum of Fifty Rix-dollars shall be due, and which shall in anywise negotiable, or shall negotiate the same, every such Person shall forfeit and pay for every such offence, any Sum not exceeding One Hundred and Fifty Rix-dollars, nor less than Fifty Rix-dollars, to be sued for before the Courts of Landdrost and Heemraden of the District in which the Offence is committed, and the amount recovered to be distributed in the manner usual in Cases of Fines.

And whereas it has been made known to me, that the issue of the Notes, Bills, Drafts, or Undertakings aforesaid, has been attempted to be excused by a supposed want of small Currency in the distant Districts; I have, therefore, taken measures for the supply of the Frontier with an adequate proportion of small Currency; and I have empowered the Landdrosts of the Albany District, to exchange any Notes of the Colonial Treasury, of Ten Rix-dollars, or upwards, into small Currency, in order that no plea whatever may exist, for a continuance of the prejudicial Practices which it is the object of this Regulation to check and annihilate.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 22th Day of August 1822.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) C. Bird, Secretary.

Proclamation, by His Excellency General the Right Hon. Lord Charles Henry Somerset, &c. &c.

WHEREAS it has been represented to me to be necessary, to preserve the few Elands which are left in the George District, and which have met with great protection from the Landed Proprietors in the vicinity of the Attaquas Kloof, but have lately been wantonly dispersed and destroyed, by some evil-disposed Persons:—It is, therefore, hereby ordered, that the Regulation which gives protection to the Hippopotamus and Bontebuck, (that is, the 5th Article of the Proclamation of the 21st of March, of the Year 1822⁽¹⁾), shall be henceforward, also, made applicable to the beautiful and scarce species of Deer, called Eland, found in the George District;—of which all Persons are called upon to take due Notice, as the Penalty for contravening the same, will be most rigidly enforced.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 14th day of March 1823.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) C. Bird, Secretary.

(¹) *Vide supra* p. 230.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS it has been represented to me, by the principal Breeders of Horses in this Colony, that the practice of permitting entire Horses to run loose, is frequently of the greatest injury to their respective Studs, and soliciting my interference therein; and whereas it appears to me to be reasonable and just, that Persons who embark a considerable Capital in this important Branch of Farming, should be protected from the consequences which the negligence of their Neighbours, or others, may in these respects occasion,—I do therefore order and direct, that no *entire* Horse exceeding two years of age, shall in future be turned out, either at the Outspan Places, or on Lands which are not enclosed, unless secured in such manner, as to prevent access to any Mares belonging to the Owner of the neighbouring or other Place; and with a view to enforce the same, I hereby empower the respective Courts of Landdrost and Heemraden, or of Deputy Landdrosts and Heemraden, to impose a Fine not exceeding 100 Rds. in each case, which shall be proved by competent Witnesses before the said Court.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 23d day of May 1823.

(Signed) C. H. Somerset.

By His Excellency's Command,
(Signed) C. Bird, Secretary.

Government Advertisement.

HIS Excellency the Governor and Commander in Chief has been pleased to direct the following Order of His Majesty in Council to be made public, for general information.

Cape of Good Hope, 20th February 1824.

By Command of His Excellency the Governor,
(Signed) C. Bird, Secretary.

At the Court, at Windsor, the 19th September 1830, present, the KING'S Most Excellent Majesty in Council.

WHEREAS His Majesty was pleased, by His Order in Council bearing date the 24th day of September, 1814, to establish certain Regulations therein set forth, touching the Trade and Commerce to and from the Settlement of the Cape of Good Hope, and the Territories and Dependencies thereof; and whereas His Majesty was pleased by the said Order, amongst other things, to direct, that Goods, Wares, or Merchandize, the growth, produce, or manufacture of the Countries to the Eastward of the Cape of Good Hope, legally imported into the said Settlement, or into the Territories or Dependencies thereof, might be exported from the said Settlement, or the Territories or Dependencies thereof, to the Ports of the United Kingdom, subject to the Rules and Regulations contained in an Act passed in the fifty-third Year of His late Majesty's Reign, entitled "An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," or to any Ports or Places to which a Trade in such Articles was per-

mitted to be carried on from the said Settlement, or the Territories or Dependencies thereof, under the Provisions of an Act passed in the fifty-fourth Year of His late Majesty's Reign, entituled "An Act for the further Regulation of the Trade to and from the Places within the Limits of the Charter of the East India Company," and subject to the Rules and Regulations in the said Act contained; provided, however, that nothing in that Order contained should extend, or be construed to extend, to permit any Vessel, under the burthen of three hundred and fifty tons to export from the said Settlement, or the Territories or Dependencies thereof, to the Ports of the United Kingdom, any Articles the growth, produce, or manufacture of any Countries situated within the limits of the East India Company's Charter: And whereas by an Act passed in the last Session of Parliament, entituled "An Act to consolidate and amend the several Laws now in force with respect to Trade to and from Places within the Limits of the Charter of the East India Company, and to make further Provisions with respect to such Trade: and to amend an Act of the present Session of Parliament, for the Registering of Vessels, so far as it relates to Vessels registered in India," so much of the said Act of the fifty-third Year of His said late Majesty's Reign, as authorises His Majesty's Subjects to carry on Trade and Traffic to and from the Ports and Places within the Limits of the said Company's Charter, with all the Provisions, Restrictions, and Limitations in the same Act contained, for the regulation of such Trade, and for the disposition in the United Kingdom of all Articles manufactured of Silk, Hair, or Cotton-wool, or any mixture thereof, imported under the authority of the said last Act, from any Port or Place within the Limits of the said Company's Charter; and the whole of the said Act passed in the fifty-fourth Year of the Reign of His late Majesty, together with certain other Acts passed in the fifty-

fifth, fifty-seventh, and fifty-ninth Years of His said late Majesty's Reign, and an Act passed in the second Year of the Reign of His present Majesty, all which Acts relate to Trade to, from, or between Ports and Places within the Limits of the Charter of the East India Company, have been repealed: His Majesty is pleased, in virtue of the power vested in His Majesty by several Acts passed in the forty-seventh and forty-ninth Years of his late Majesty's Reign, and in the first Year of His present Majesty's Reign, and by and with the advice of His Privy Council, to order, and it is hereby ordered, that so much of the said Order in Council, bearing date the 24th day of September, 1814, as relates to the Tonnage of Vessels importing from the said Settlement of the Cape of Good Hope, its Territories and Dependencies, to the Ports of the United Kingdom, Goods, Wares, and Merchandize, the growth, produce, or manufacture of Countries to the Eastward of the said Settlement; and also so much of the said Order as subjects the exportation of such Goods, Wares, and Merchandize to the Provisions of said Acts of the fifty-third and fifty-fourth Years of His late Majesty's Reign, be, and the same are, hereby revoked: And His Majesty is hereby further pleased to order, that such Goods, Wares, and Merchandize so exported, shall be subject to the Provisions of the said Act of the last Session of Parliament. so far as the same are applicable thereto, in like manner, as if such Goods, Wares, and Merchandize had been exported from any port or Place within the Limits of the Charter of the East India Company.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

C. C. Greville.

Proclamation ⁽¹⁾ *by His Excellency General the Right Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS the Worshipful the Court of Justice has represented to me the heavy Expenses attendant on the Prosecution of Debtors for small Sums, before the Court for Petty Law Cases, which Expenses are considerably increased by the Stamps on which the Documents required from the commencement to the termination of a Suit are by Law directed to be written, so that the Costs in some Cases frequently exceed the Amount of the Debt sued for; and whereas it has further been represented to me, that the practice before the Worshipful the Court of Justice of using a Stamp of two skillings only, for covering all Documents, without exception, filed in Court, is disproportionate as far as regards private Bonds for the payment of a certain Sum of Money,—I have therefore judged it expedient to revise and amend the Tariff of Stamp Duties at present in use in this Settlement, and by virtue of the power and authority in me vested, to direct and order, and it is hereby so ordered, that Stamps according to the annexed Schedule be in future used in all circumstances to which the Schedule aforesaid applies, of which Regulation the Worshipful the Court of Justice, and all other Public Bodies and Individuals, are hereby required to take Notice, as the same will be enforced according to the existing Laws.

Tariff of Stamp Duties, in the Colony of the Cape of Good Hope.

ARTICLE 1.—*Transfers passed at the Secretary's Office.*

			<i>Rds. Sts.</i>	
From	1 to	300 Guilders	0	6
	300	750	0	24
	750	1500	1	0

(1) *Vide infra* Proclamation, 10th Dec. 1824.

Rds. Sts.

1500	3000	2	0
3000	7500	4	0
7500	12000	8	0
12000	15000	10	0
15000	20000	15	0
20000	30000	20	0
30000	50000	30	0
50000	75000	40	0
75000	100000	50	0
upwards		60	0

ART. 2.—*Transfers of Loan Places.*

From	1 to	3000 Guilders	0	36
	3000	7500	1	24
	7500	15000	3	0
	15000	30000	6	0
	30000 and upwards		10	0

ART. 3.—*Mortgages passed at the Secretary's Office, Government Bank, and Orphan Chamber.*

From	1 to	300 Guilders	0	12
	300	750	1	0
	750	1500	2	0
	1500	3000	3	0
	3000	7500	6	0
	7500	15000	12	0
	15000	30000	20	0
	30000 and upwards		30	0

Deeds of Prolongation in the Government Bank,	5	0
Ditto on Short Loans,	1	24
Receipts for Interest by ditto,	0	6

Bills or Promissory Notes drawn in favour of, or endorsed to, the Bank, to be written on or covered with the following Stamps :

From	1 to	500 Rix-dollars,	0	24
	500	1000	1	0
	1000	2000	1	24
	2000	3000	2	0
	3000	4000	3	0
	4000 and upwards,		4	0

ART. 4.—*Bonds passed before Notaries.*

From	1 to	100 Rds.	0	6
	100	250	0	24
	250	500	1	0
	500	1000	1	24

		<i>Rds.</i>	<i>Sts.</i>
1000	2500	3	0
2500	5000	6	0
5000	10000	12	0
10000 and upwards,		20	0
Securities for Bonds,		1	0

ART. 5.—*Wills, and all other Deeds which are relative to the same, or arise from it.*

Wills and Codicils.

A. When the Testator values his Estate less than 6000 Guilders,		1	0
But when he possesses more than <i>f</i> 6000, but less than <i>f</i> 50000,		15	0
And possessing more than <i>f</i> 50000,		20	0
B. Codicil, or alteration of a Will according to the Clause Reservatoir,		1	0
C. Repudiation of Inheritance and Deeds of Consideration,		0	24
D. Deeds of Donation, <i>inter vivos</i> , and <i>causa mortis</i> , When the value is under 1000 Guilders,		1	0
From 1000 to 2500		2	0
2500 5000		5	0
5000 10000		12	0
10000 20000		25	0
20000 50000		50	0
50000 and upwards,		100	0
E. Inventories of Estates, without the valuation of the same, and all other Inventories when calculated at less than 25000 Guilders, first sheet,		1	0
Each subsequent sheet,		0	6
When calculated at <i>f</i> 25000 or more, first sheet,		2	0
Each subsequent sheet,		0	12
F. Inventories of Estates, with the valuation, From 1 to 500 Rds.		0	12
500 1000		0	24
1000 2500		1	0
2500 5000		2	0
5000 10000		4	0
10000 and upwards		8	0
Each subsequent sheet,		0	12
G. All Accounts of the Orphan Chamber, Tutors and Guardians, and also all other Accounts by which any common Administration, Receipt, and Pxpenditure shall be ac-			

counted for and settled, except such Accounts as respect any Insolvent Estate, for which indiscriminately only a Stamp of Twelve Stivers is required, are to be written on the following Stamps :

When the Receipt and Expenditure jointly amount to more than 100 Rds. and are under 400

		0	12
From	400 to 1000	0	24
	1000 2000	1	0
	2000 3000	3	0
	3000 5000	4	0
	5000 10000	7	0
	10000 15000	15	0
	15000 20000	20	0
	20000 30000	30	0
	30000 40000	40	0
	40000 50000	50	0
	50000 75000	75	0
	75000 100000	100	0
	100000 150000	150	0
	150000 and upwards	200	0

H. Deeds for securing the portion of Children from former Marriages,

From	1 to 500 Rds.	0	12
	500 1000	0	24
	1000 2500	1	0
	2500 5000	2	0
	5000 10000	4	0
	10000 and upwards,	8	0

I. Deeds of Discharge for the receipt of the Portions of those who are instituted Heirs,

From	1 to 500 Rds.	0	24
	500 1000	1	0
	1000 2500	2	0
	2500 5000	4	0
	5000 10000	8	0
	10000 20000	20	0
	20000 30000	30	0
	30000 and upwards,	50	0

K. Pre-Contracts of Marriage, when the sum agreed upon does not amount to more than 1000 Rds.

		3	0
From	1000 to 5000 Rds.	6	0
	5000 10000	20	0
	10000 and upwards	500	0

**ART. 6.—Deeds and other Papers connected with the
Government Secretary's Office, with the Court of
Justice, or other Inferior Courts.**

	<i>Rds. Sts.</i>	
Memorials	0	24
Translations	0	12
Loan Leases	5	0
Grants of Land in Freehold, under 10 Morgen	25	0
From 10 to 30	50	0
30 60	100	0
Grants of Land on Quitrent,		
From 1 to 10 Morgen	10	0
10 30	15	0
30 50	20	0
50 60	25	0
60 80	30	0
80 100	40	0
100 and upwards	50	0
Receipts of Rent payable on Land granted on Perpetual Quitrent.		
From 1 to 10 Morgen	0	12
10 30	0	18
30 50	0	24
50 60	0	30
60 80	0	36
80 100	1	0
100 500	1	24
500 1000	2	24
1000 2000	4	0
2000 and upwards	5	0
Original Sentences, first sheet	2	0
Copies of ditto	0	12
Citations, Sommatons, Renovations, and Insinu- ations	0	24
Reports	0	24
Hand-Bills	0	24
All Demands, Petitions, &c. that are presented to the Court of Justice	1	0
All Copies or Extracts	0	24
Arrests on Persons or Property	1	0
Deeds of Venia <i>Ætatis</i>	50	0
A Memorial for Venia <i>Agendi</i>	3	0
Reply to the same	0	12
For every subsequent sheet of the said Deeds and Papers, a Stamp of half the value of the first		

sheet to be made use of, which first sheet must be written as usual on the Stamps ordered by the old Tariff, each page to contain not more than eighteen Lines, each Line thirty Letters.

Acceptances, Promissory Notes, or private Bonds, filed or exhibited in the Court of Justice, for the sake of recovery, to be covered with a Stamp of half the value of that directed to be used for Bonds executed before a Notary Public in like proportion to their amount.

Insinuations, Interpellations, Citations, Sentences of the several Courts for Petty Law Cases, and Sommatoms and Renovations on the same, in all Cases not exceeding One Hundred Rix-dollars, exclusive of Interest and Costs to be written on a Stamp of only half the value required in Cases amounting to more than One Hundred Rix-dollars.

ART. 7.—Agreements and all other Deeds relative thereto.

	<i>Rds. Sts.</i>	
A. Contracts between the Inhabitants of the Colony, relative to hiring of Houses and Lands	1	0
B. Hiring of Slaves, also Contracts for Building, or for supplying Victuals, for making Imple-ments, &c.	0	24
C. Contract entered into with Strangers, respect- ing the supply of Merchandise or of Colonial Produce	1	0
D. Charter Parties for a Ship under 200 Tons or 100 Lasts	10	0
For Ships above 200 Tons or 100 Lasts	20	0
E. Bills of Lading from 1 to 10 Tons	5	0
10 to 20	10	0
20 to 50	20	0
50 and upwards	30	0
F. Bottomry Bonds,		
From 1 to 500 Rds.	1	0
500 1000	2	0
1000 2000	4	0
2000 3000	8	0
5000 10000	16	0
10000 20000	40	0
20000 and upwards	60	0

ART.—8. *Vendue Notes or Vendue Accounts, including all other Documents relative to Public Sales.*

				<i>Rds.</i>	<i>Sts.</i>
A.	From	5	to 10	0	6
		10	25	0	12
		25	50	0	24
		50	75	0	36
		75	100	1	0
		100	150	1	24
		150	200	2	0
		200	275	2	24
		275	350	3	0
		350	500	5	0
		500	700	6	0
		700	1000	7	0
		1000	1500	8	0
		1500	2000	9	0
		2000	3000	12	0
		3000	4000	15	0
		4000	5000	18	0
		5000 and upwards		20	0
B.	Advertisements respecting Public Sales,			0	24
C.	Vendue Lists or immoveable and moveable Property,			0	24
D.	Copies of Vendue Lists or Extracts out of the same first sheet.			0	24
	Each subsequent sheet,			0	6
E.	Agreements of Sale of immoveable Property,			2	0

ART. 9.—*Privileges and Licences.*

A.	Licences for the Vendue Masters, annually	150	0
B.	———— Butchers, ditto,	50	0
C.	———— Bakers, ditto,	50	0
D.	———— Wine Merchants in Cape Town, ditto,	250	0
E.	———— do. in the Country Districts, do.	50	0
F.	Licences for the Inhabitants of Constantia, Wynbergen, and Steenberg, for grazing their Cattle, do.	10	0
G.	———— Carriers of Firewood, do.	10	0
H.	———— To cut Timber, for each Load,	02	1
I.	———— For Waggon, do.	0	6
K.	———— Boatmen. annually,	1	0
L.	———— Clubs and Societies, ditto,	50	0
M.	———— Each Public Billiard Table, do.	100	0

	<i>Rds.</i>	<i>Sts.</i>
N. Licences for Each Tent at the Wharf, ditto,	1	0
O. ————— To go to the Hot Baths,	0	24
P. Permission to remain in the Colony,	5	0
Q. ————— leave the Colony,	1	0
R. Letters of Burgership,	250	0
S. Special Licence to be united in Marriage, without publication of Bans,	200	0
T. Adoptions,	1	0
U. Licence for keeping a Retail Shop in Cape Town, annually,	20	0
V. ——— for Pedlars and Hawkers, ditto,	20	0
W. ——— for retailing Foreign Wines and Beer, do.	200	0
X. ——— for the Wholesale Foreign Brandies, and other Foreign Spirituous Liquors, do.	200	0
Y. ——— for brewing Cape Beer, do.	600	0
Z. ——— for retailing Cape Beer, do.	25	0
AA. ——— for retailing Colonial Produce, ditto,	5	0
BB. ——— for killing Game, ditto,	5	0

ART. 10.—*Powers of Attorney.*

A. A general Power of Attorney, to Persons not residing in the Colony,	10	0
B. A special Power of Attorney, to Persons not residing in the Colony, when the object admits of pecuniary valuation, if less than 1000 Rds.	1	0
If more than 1000 Rds.	2	0
C. A general Power of Attorney, to Persons with- in the Colony,	3	0
D. A special Power of Attorney on ditto,	0	24
E. Further, all Deeds of Substitution, Assump- tion, Surrogation, &c.	1	0

ART. 11.—*Protests.*

A. Protests of Bills of Exchange, Drafts, of Promises,	2	0
B. Sea Protests,	6	0
C. Affidavits,	1	0
D. Affidavits to be acted upon without the Colony,	1	0

ART. 12.—*Transfers.*

A. Transfer of Mortgage Bonds, &c. not amount- ing to more than 5000 Rds,	1	0
5000 Rds. and upwards,	2	0
B. Transfers of Moveables,	1	0

	<i>Rds.</i>	<i>Sts.</i>
C. Transfers of Slaves by Gift, Sale, or Inheritance.	5	0
D. Manumission,	5	0
E. Certificate of Mortgage of one Slave,	2	0
F. For each subsequent Slave included in the same Certificate.	1	0
G. Extracts from the Registers of Slaves,	1	0

ART. 13.—*Civil Servants.*

A. The Deeds of their Appointment or Promotion, when their Salaries amount to no more than 600 Rds.	1	0
From 600 to 1200	3	0
1200 2400	10	0
2400 6000	20	0
6000 and upwards,	40	0
B. Admission of Notaries,	100	0
Ditto of Attorneys,	100	0

ART. 14.—*Court of Appeals.*

For the Bond Stamp,	2	0
Memorial	1	0
Cases,—the first sheet,	1	0
Every subsequent one,	0	24
Exhibits,	0	24
The Sentences	10	0
The Orders of Reference,	0	12
Orders of Court,	0	6
Reports,—first sheet,	0	24
Every subsequent one,	0	12

The like Stamps are to be used by the Secretary of the Court, in all Copies.

ART. 15.—*Admiralty Court.*

Affidavits,	0	24
Claims,	0	24
Examinations in preparatory on the first sheet,	1	0
Every other and each Witness,	0	12
Decree of Unlivery,	0	24
of Appaisement and Sale,	1	0
of Removal,	0	12
Deeds of Inspection,	0	12
of Restitution,	2	0
of Delivery,	0	24
of Condemnation,	2	0
for Answers,	0	24

	<i>Rds.</i>	<i>Sts.</i>
Allegation,—first sheet,	0	24
Every subsequent sheet,	0	12
Answers,	0	12
Minutes of Court,	0	12
P apers extracted,—per extract,	0	12
C opies,—per sheet,	0	12
L etters of Marque,	100	0

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 30th day of April 1824.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) C. Bird, Secretary.

Government Advertisement.

It having been represented to His Excellency the Governor, that the Regulations enacted by the Government Advertisement of the 13th September, 1806,⁽¹⁾ for the keeping in Repair the High Roads in this Colony, have not only proved insufficient, but that serious inconvenience has arisen to such of the Inhabitants who, having been called upon to furnish Labourers for that purpose, did comply with the Requisitions of the Overseers of the Roads, in consequence of others disobeying the lawful Requisitions made on them, so that the well-disposed Inhabitants have been deprived of the Services of their Domestic for a longer period than would have been the case had such Persons given due assistance: Notice is hereby given, that in order to obviate the inconvenience complained of, His Excellency has been pleased to direct, that in the event of

(1) *Vide supra* p. 19.

the Inhabitants neglecting to supply the number of Hands, or sending People and Tools not applicable to the Repair of the Roads, it shall be lawful for the Landdrost, the Heemraad charged with this duty, or the Field-Cornet in whose Division the Repairs are going on, on a representation thereof being made to either of them by the Overseer, to hire Labourers, and purchase Implements, in cases where they shall not be furnished, or to replace such as shall be rejected, with power to the respective Boards of Landdrost and Heemraden to recover by *parata executio*, after a regular summary hearing of the Party offending, the Expenses so incurred, over and above the Penalty of Fifty Rix-dollars directed to be levied by the Advertisement above alluded to.

As in the Advertisement referred to, mention is made of Slaves only, His Excellency is further pleased to notify, that Labourers of any Class in the service of Inhabitants, are competent to be employed in the Repair of the Roads.

Cape of Good Hope, 6th August, 1824.

By Command of His Excellency the Governor,
(Signed) P. G. Brink, Acting Secretary.

*Proclamation, by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS it has been represented to me, that some trifling Errors had been made in the Printed Tariff of Stamp Duties published in my Proclamation under date 30th April last, ⁽¹⁾ I have judged it expedient to revise and correct the same, and it is now republished herewith;—and I do hereby order and direct, that from the date of the publication of this Proclamation, the several Stamps, as fixed in the annexed amended Sche-

(1) *Vide supra* p. 248.

dule, be used on all Deeds and Acts therein-mentioned, and to which the Stamps are made respectively to apply.

Tariff of Stamp Duties, in the Colony of the Cape of Good Hope.

ARTICLE 1.—*Transfers passed at the Secretary's Office.*

			<i>Rds. Sts.</i>	
From	1 to	300 Guilders	0	6
	300	750	0	24
	750	1500	1	0
	1500	3000	2	0
	3000	7500	4	0
	7500	12000	8	0
	12000	15000	10	0
	15000	20000	15	0
	20000	30000	20	0
	30000	50000	30	0
	50000	75000	40	0
	75000	100000	50	0
	upwards		60	0

ART. 2.—*Transfers of Loan Places.*

From	1 to	3000 Guilders	0	36
	3000	7500	1	24
	7500	15000	3	0
	15000	30000	6	0
	30000 and upwards		10	0

ART. 3.—*Mortgages passed at the Secretary's Office, Government Bank and Orphan Camber.*

From	1 to	300 Guilders	0	12
	300	750	1	0
	750	1500	2	0
	1500	3000	3	0
	3000	7500	6	0
	7500	15000	12	0
	15000	30000	20	0
	30000 and upwards		30	0

Deeds of Prolongation in the Government Bank,	5	0
Ditto on Short Loans,	1	24
Receipts for Interest by ditto,	0	6

Bills or Promissory Notes Drawn in favour of, or endorsed to, the Bank, to be written on or covered with the following Stamps :

From	1 to	500 Rix-dollars,	0	24
	500	1000	1	0
	1000	2000	1	24
	2000	3000	2	0
	3000	4000	3	0
	4000 and upwards,		4	0

ART. 4.—*Bonds passed before Notaries.*

From	1 to	100 Rds.	0	6
	100	250	0	24
	250	500	1	0
	500	1000	1	24
	1000	2500	3	0
	2500	5000	6	0
	5000	10000	12	0
	10000 and upwards,		20	0
Securities for Bonds,			1	0

ART. 5.—*Wills, and all other Deeds which are relative to the same, or arise from it.*

Wills and Codicils.

A. When the Testator values his Estate less than 6000 Guilders,	1	0
But when more than f6000, but less than f50000,	15	0
And possessing more than f30000,	20	0
B. Codicil, or alteration of a Will according to the Clause Reservatoir,	1	0
C. Repudiation of Inheritance and Deeds of Consideration,	0	24
D. Deeds of Donation, <i>inter vivos, causa mortis</i> , When the value is under 1000 Guilders,	1	0
From 1000 to 2500	2	0
2500 5000	5	0
5000 10000	12	0
10000 20000	25	0
20000 50000	50	0
50000 and upwards,	100	0
E. Inventories of Estates, without the valuation of the same, and all other Inventories, when calculaded at less than 25000 Guilders, first sheet,	1	0
Each subsequent sheet,	0	6

When calculated at $f25000$ or more, first sheet,	2	0
Each subsequent sheet,	0	12

F. Inventories of Estates, with the valuation,			
From	1	to	500 Rds.
	500		1000
	1000		2500
	2500		5000
	5000		10000
	10000		and upwards,
Each subsequent sheet,	0		12

G. All Accounts of the Orphan Chamber, Tutors, and Guardians, and also all other Accounts by which any common Administration, Receipt, and Expenditure shall be accounted for and settled, except such Accounts as respect any Insolvent Estate, for which indiscriminately only a Stamp of Twelve Stivers is required, are to be written on the following Stamps :

When the Receipt and Expenditure jointly amount to more than 100 Rds. and are under 400,		0	12
From	400 to 1000	0	24
	1000 2000	1	0
	2000 3000	3	0
	3000 5000	4	0
	5000 10000	7	0
	10000 15000	15	0
	15000 20000	20	0
	20000 30000	30	0
	30000 40000	40	0
	40000 50000	50	0
	50000 75000	75	0
	75000 100000	100	0
	100000 150000	150	0
	150000 and upwards	200	0

H. Deeds for securing the portion of Children from former Marriages,

From	1	to	500 Rds.	0	12
	500		1000	0	24
	1000		2500	1	0
	2500		5000	2	0
	5000		10000	4	0
	10000		and upwards,	8	0

I. Deeds of Discharge for the receipt of the Portions of those who are instituted Heirs.

From	1 to	500 Rds.	0	24
	500	1000	1	0
	1000	2500	2	0
	2500	5000	4	0
	5000	10000	8	0
	10000	20000	20	0
	20000	30000	30	0
	30000 and upwards,		50	0

K. Pre-Contracts of Marriage, when the sum agreed upon does not amount to more than 1000 Rds.

From	1000 to	5000 Rds.	3	0
	5000	10000	6	0
	10000 and upwards,		20	0
			50	0

ART. 6.—*Deeds and other Papers connected with the Government Secretary's Office, with the Court of Justice, or other Inferior Courts.*

Memorials			0	24
Translations			0	12
Loan Leases			5	0
Grants of Land in Freehold, under 10 Morgen,			25	0
	From 10 to	30	50	0
	30	60	100	0

Grants of Land on Quitrent,

From	1 to	10 Morgen,	10	0
	10	30	15	0
	30	50	20	0
	50	60	25	0
	60	80	30	0
	80	100	40	0
	100 and upwards,		50	0

Receipts of Rent payable on Land granted on Perpetual Quitrent.

From	1 to	10 Morgen,	0	12
	10	30	0	18
	30	50	0	24
	50	60	0	30
	60	80	0	36
	80	100	1	0
	100	500	1	24
	500	1000	2	24
	1000	2000	4	0
	2000 and upwards,		5	0

Original Sentences, first sheet,	2	0
Copies of ditto,	0	24
Citations, Sommatons, Renovations, and Insinuations,	0	24
Reports,	0	24
Hand-Bills,	0	24
All Demands, Petitions, &c. that are presented to the Court of Justice,	1	0
All Copies or Extracts,	0	24
Arrests on Persons or Property,	1	0
Deeds of Venia Aetatis,	50	0
A memorial for Venia Agendi,	3	0
Reply to the same,	12	0

For every subsequent sheet of the said Deeds and Papers, a Stamp of half the value of the first sheet to be made use of, which first sheet must be written as usual on the Stamps ordered by the old Tariff, each Page to contain not more than eighteen Lines, each Line thirty Letters.

Acceptances, Promissory Notes, or private Bonds, filed or exhibited in the Court of Justice, for the sake of recovery, to be covered with a Stamp of half the value of that directed to be used for Bonds executed before a Notary Public, in like proportion to their amount.

Insinuations, Interpellations, Citations, Sentences of the several Courts for Petty Law Cases, and Sommatons and Renovations on the same, in all Cases not exceeding One Hundred Rix-dollars, exclusive of Interest and Costs, to be written on a Stamp of only half the value required in Cases amounting to more than One Hundred Rix-dollars.

ART. 7.—*Agreements and all other Deeds relative thereto.*

A. Contracts between the Inhabitants of the Colony relative to hiring of Houses and Lands	1	0
B. Hiring of Slaves, also Contracts for Building, or for supplying Victuals, for making Implements, &c.	0	24
C. Contract entered into with Strangers, respecting the supply of Merchandise or of Colonial Produce	1	0

D. Charter Parties for a Ship under 200 Tons or 100 Lasts	10	0
For Ships above 200 Tons or 100 Lasts	20	0
E. Bills of Lading from 1 to 10 Tons	5	0
10 20	10	0
20 50	20	0
50 and upwards	30	0
F. Bottomry Bonds,		
From 1 to 500 Rds.	1	0
500 1000	2	0
1000 2000	4	0
2000 5000	8	0
5000 10000	16	0
10000 20000	40	0
20000 and upwards	60	0

ART. 8.—*Vendue Notes, or Vendue Accounts, including
all other Documents relative to Public Sales.*

A.	From 5 to 10 Rds.	0	6
	10 25	0	12
	25 50	0	24
	50 75	0	36
	75 100	1	0
	100 150	1	24
	150 200	2	0
	200 275	2	24
	275 350	3	0
	350 500	5	0
	500 700	6	0
	700 1000	7	0
	1000 1500	8	0
	1500 2000	9	0
	2000 3000	12	0
	3000 4000	15	0
	4000 5000	18	0
	5000 and upwards	20	0
B. Advertisements respecting Public Sales,	0	24	
C. Vendue Lists of immoveable and moveable Property,	0	24	
D. Copies of Vendue Lists or Extracts out of the same, first sheet,	0	24	
Each subsequent sheet,	0	6	
E. Agreements of Sale of immoveable Property,	2	0	

ART. 9.—*Privileges and Licences.*

	<i>Rds. Sts.</i>	
A. Licences for the Vendue Masters, annually,	150	0
B. ————— Butchers, ditto,	50	0
C. ————— Bakers, ditto,	50	0
D. ————— Wine Merchants in Cape Town, do.	250	0
E. ————— do. in the Country Districts, do.	50	0
F. ————— Inhabitants of Constantia, Wynbergen, and Steenberg, for grazing their Cattle, do.	10	0
G. ————— Carriers of Firewood, ditto,	10	0
H. ————— To cut Timber, for each Load,	0	24
I. ————— For Wagons,	0	6
K. ————— Boatmen, annually,	1	0
L. ————— Clubs and Societies, ditto,	50	0
M. ————— Each Public Billiard Table, do.	100	0
N. ————— Each Tent at the Wharf, do.	1	0
O. ————— To go to the Hot Baths,	0	24
P. Permissions to remain in the Colony,	5	0
Q. ————— leave the Colony.	1	0
R. Letters of Burghership,	250	0
S. Special Licence to be united in Marriage, without publication of Banns,	200	0
T. Adoptions,	1	0
U. Licence for keeping a Retail Shop in Cape Town, annually,	20	0
V. ————— for Pedlars and Hawkers, ditto,	20	0
W. ————— for retailing Foreign Wines and Beer, ditto,	200	0
X. ————— for the Wholesale Foreign Brandies, and other Foreign Spirituous Liquors, do.	200	0
Y. ————— for brewing Cape Beer, do.	600	0
Z. ————— for retailing Cape Beer, do.	25	0
AA. ————— for retailing Colonial Produce, do.	5	0
BB. ————— for killing Game, do.	5	0

ART. 10.—*Powers of Attorney.*

A. A general Power of Attorney, to Persons not residing in the Colony,	10	0
B. A special Power of Attorney, to Persons not residing in the Colony, when the object admits of pecuniary valuation, if less than 1000 Rds.	1	0
If more than 1000 Rds.	2	0

C. A general Power of Attorney, to Persons within the Colony,	3	0
D. A special Power of Attorney on do.	0	24
E. Further, all Deeds of Substitution, Assumption, Surrogation, &c.	1	0

ART. 11.—*Protests.*

A. Protests of Bills of Exchange, Drafts, or Promises,	2	0
B. Sea Protests,	6	0
C. Affidavits,	1	0
D. Affidavits to be acted upon without the Colony,	1	0

ART. 12.—*Transfers.*

A. Transfer of Mortgage Bonds, &c not amounting to more than 5000 Rds.	1	0
5000 Rds. and upwards	2	0
B. Transfers of Moveables,	1	0
C. Transfers of Slaves by Gift, Sale or Inheritance,	5	0
D. Certificate of Mortgage of one Slave,	2	0
E. For each subsequent Slave included in the same Certificate,	1	0
F. Extracts from the Registers of Slaves,	1	0

ART. 13.—*Civil Servants.*

A. The Deeds of their Appointment or Promotion when their Salaries amount to no more than 600 Rds.	1	0
From 600 to 1200	3	0
1200 2400	10	0
2400 6000	20	0
6000 and upwards,	40	0
B. Admission of Notaries,	100	0
Ditto of Attorneys,	100	0

ART. 14.—*Court of Appeals.*

For the Bond Stamp,	2	0
Memorial,	1	0
Cases,—the first sheet,	1	0
Every subsequent one,	0	24
Exhibits,	0	24
The Sentences,	10	0

The Orders of Reference,	0	12
Orders of Court,	0	6
Reports,—first sheet,	0	24
Every subsequent one,	0	12

The like Stamps are to be used by the Secretary of the Court, in all Copies.

ART. 15.—*Admiralty Court.*

Affidavits,	0	24
Claims,	0	24
Examinations in preparatory on the first sheet,	1	0
Every other and each Witness,	0	12
Decree of Unlivery,	0	24
of Appraisement and Sale,	1	0
of Removal,	0	12
Deeds of Inspection,	0	24
of Restitution,	2	0
of Delivery,	0	24
of Condemnation,	2	0
for Answers,	0	24
Allegation,—first sheet,	0	24
Every subsequent sheet,	0	12
Answers,	0	12
Minutes of Court,	0	12
Papers extracted,—per extract,	0	12
Copies,—per sheet,	0	12
Letters of Marque,	100	0

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 10th day of December 1824.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) R. Plasket, Secretary.

Government Minute.

HIS Excellency the Governor being desirous to establish a fixed and invariable Rule for the Guidance of the different Departments of Government, and of Individuals generally, relative to Applications they may have occasion to make to Government, is pleased to direct, that in future, all Applications, Letters, or Reports, which may relate to Public Business, or to any General Matter, shall be made invariably through the Colonial Secretary.

Cape of Good Hope, 30th December 1824.

By Command of His Excellency the Governor.

(Signed)

R. Plasket,
Secretary to Government.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS I have been given to understand, that the Medicinal Qualities of the Boekhoo (Boego) Plant are held in great estimation in Europe, and that it is probable the demand for that Article may increase to an extent which may prove very beneficial to the Interests of this Colony, provided the necessary measures be taken for its preservation :

And whereas it has been represented to me, that the Persons employed in collecting this Article, not satisfied with gathering the Leaves, or even cutting the Shoots of this Plant, are in the habit of pulling it up entirely by the Roots, or of cutting and hewing it so low down, and in such a manner as to destroy the Plant itself, I have deemed it necessary, for the general Interests of the Colony, to order and declare, and it is hereby ordered and declared accordingly, that any Person who may be convicted before a competent

Tribunal, of tearing up the Boekhoo (Boego) Plant by the Roots, or of burning it, or cutting it in such a manner as to injure the further growth of the Plant, shall be deemed guilty of a Misdemeanor, and be fined in a Penalty of not less than Twenty, nor more than Fifty Rix-dollars for every such Offence, one-third of which shall go to the Informer (provided always, that the Plants so injured or destroyed be not the private property of Individuals, and cut, or pulled up, or burnt, by their orders): And in the event of the inability of the Offender to pay the Fine awarded, that he be liable to Imprisonment at Hard Labour, for a certain period not exceeding two Months for every such Offence.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 31st day of December 1824.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) R. Plasket,
Secretary to Government.

*Proclamation by His Excellency General the Right
Hon. Lord Charles Henry Somerset, &c. &c.*

WHEREAS His Majesty has been graciously pleased, by Instructions issued under His Signet and Sign Manual, with the Advice of His Privy Council, bearing date at Carlton House, the Ninth Day of February 1825, to order and direct, that a Council shall be established in this Colony, to advise and assist in the Administration of the Government thereof: And

whereas His Majesty has signified His Pleasure that the said Council shall be composed as follows, viz :—

President,

His Excellency the Governor, or the Officer administering the Civil Government of the Colony, for the time being.

Members.

The Chief Justice,

The Colonial Secretary,

The Officer next in Command for the time being, to the Commander of the Forces,

Lieutenant-Colonel Bell,

Walter Bentinck, Esq., Auditor General.

J. W. Stoll, Esq., Receiver General.

I do hereby make known and publish the same for the information of all the Inhabitants of this Colony, and of all others whom it may concern.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 2d day of May 1825.

(Signed) C. H. Somerset.

By His Excellency's Command,

(Signed) R. Plasket,
Secretary to Government.

TO THE READER.

THE foregoing pages contain the *Government Proclamations*, in so far as not repealed, from 1806 to May 1825, when the *Council* was established (*vide* page 269,) since which time the local enactments have been termed “*Ordinances*.”

In 1834 the present “*Legislative Council*” was established by Letters Patent.

The following pages therefore will be found to contain all the *Ordinances in Council*—those passed by the Council established in 1825, being numbered from No. 1 to 105 inclusive—and those passed by the present Legislative Council, being numbered from No. 1—1834, to No. 1—1838, inclusive, with notes of reference to each Ordinance.

To these are added, as an Appendix—the Charter of Justice. The Act “for the prevention and punishment of Offences committed by Her Majesty’s Subjects, within certain Territories adjacent to the Colony of the

“Cape of Good Hope,” and the Commissions for the Trial within the Colony, of Offences committed on the High Seas.

The expense of printing in the Colony has prevented me from giving the marginal notes to the several Ordinances, but as a full Index will be given, it is hoped that this inconvenience will not be materially felt.

13th June 1838.

WALTER HARDING.

Ordinances, &c.

No. 1.—Signed, C. H. Somerset.

*Ordinance for introducing the Use of the English Language in the Judicial Transactions of the Court of Magistracy at Algoa Bay, (Port Elizabeth;) and assigning proper Limits to the Territory within which the said Court is authorised to exercise its Jurisdiction. (1) **

WHEREAS by a Proclamation bearing date the 5th July, 1822, it has been Ordered and directed, that from and after the First Day of January, in the Year of our Lord One Thousand Eight Hundred and Twenty-seven, the English Language shall be exclusively used in all Judicial Acts in the Supreme and Inferior Courts of this Colony;—And whereas the Majority of the Inhabitants who are subject to the Jurisdiction of the Court of Magistracy at Algoa Bay, (Port Elizabeth,) are Native British Subjects, and consequently it would be highly inconvenient to them to use any other than the English Language in their Judicial Proceedings before the said Court of Magistracy,—Be it therefore Enacted, that so much of the aforesaid Proclamation of the 5th July 1822, as may be considered to regard the Jurisdiction of the said Court of Magistracy shall be, and the same is hereby repealed.

And be it further Enacted, that from the date of

(1) *Vide infra Ordinances, No. 27—of 1826.*

* NOTE.—Superseded by the Charter.—*Vide* § 34 of Charter of 1827 and § 32 of New Charter.)

No. 1, the Promulgation of this Ordinance, all Judicial Proceedings in the aforesaid Court of Magistracy shall be carried on, and all Records and other Judicial Acts relating thereto, shall be written in the English Language.

And whereas it has appeared to be requisite, that the Limits of the Township of Algoa Bay, (Port Elizabeth,) within which the said Court of Magistracy is authorised to exercise its Jurisdiction, shall be properly ascertained ; it is hereby further Ordered and Directed, that an imaginary Line drawn from the Place of Michael Cordie, and M'Culloch, situated at the South West Point of Algoa Bay, up to the Place of Jacobus Theodorus Botha, then to the Place of Gert H. Halshuizen, thence to the Place of the Widow Pieter Schouw, now Newcomb's, then down the Little Zwartkops River, whose source is at the last-mentioned Place, following the same down to where it empties itself into the Great Zwartkops River, and thence down the same to its Mouth at the Coast, including all the Inhabitants residing at the Places and within the Limits before-mentioned, shall form the Township of Algoa Bay, (Port Elizabeth.)

And be it further Enacted, that the Town at Algoa Bay, shall in future be designated in all Public Acts, as Port Elizabeth.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope,
this 28th Day of May, 1825.

[By Command of His Excellency the Governor,

(Signed,) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed,) P. G. Brink, Act. Clerk of the Council.

No. 2.—Signed, C. H. Somerset.

Ordinance for making British Silver Money a Legal Tender in Discharge of all Debts due to Individuals, and to Government, at the Rate of One Shilling and Six Pence for each Paper Rix-dollar. (1)

WHEREAS His Majesty's Government has determined to establish the British Currency⁽²⁾ as the Circulating Medium of all the Colonial Possessions of the Crown, and has further been pleased to Order and Direct that the British Silver Money shall be a Legal Tender in this Colony, in discharge of all Debts due to Individuals and to the Public, at the Rate of One Shilling and Six Pence for each Paper Rix-Dollar, and so in proportion for any greater or less Sum.

His Excellency the Governor in Council is pleased to Enact and Declare, that from and after the date of this Proclamation or Ordinance, British Silver Money shall be a Legal Tender in this Colony, in discharge of all Debts due to Individuals and to the Public, at the Rate of One Shilling and Six Pence for each Paper Rix-Dollar, and so in proportion for any greater or less Sum.

His Excellency in Council has in consequence issued the necessary Instructions, that a Table or Scale shall be Printed forthwith, specifying the relative value of the Paper Rixdollar, and of all the lesser proportions thereof, with British Money, in order to regulate the Payment of the Established Government Duties, Fees, &c. until such time as New Schedules of Duties, &c. be made out.

The Governor in Council is further pleased to Order and Direct, that from and after the 31st of December next, all Heads of Departments in this Colony, and

(1) Allowed by the Home Government.

(2) Vide Ordinance, No. 6—1825. *infra*.

No. 2, all other Civil Servants therein, shall render their 1825. Accounts in British Money; and that all Contracts entered into, or Purchases effected by the Civil Departments, for the Public Service, after that Date, shall also be made in British Money.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King!

Given at the Cape of Good Hope,
this 6th Day of June 1825.

By Command of His Excellency the Governor,
(Signed) R. Plasket, Sec. to Gov.

By Order of the Council,
(Signed) P. G. Brink, Act. Clerk of the Council.

No. 3.—Signed, C. H. Somerset.

*Ordinance for reducing the Reward hitherto paid for
Destroying Tigers to Five Rix-Dollars per
Head. (1)*

WHEREAS by the Government Proclamation under date of 21st March 1822, (2) a Reward of Twenty-five Rix-Dollars was authorised by Government for every Tiger destroyed by the Inhabitants of this Colony, which Reward was reduced to Ten Rix-Dollars by Proclamations of the 4th April and 21st November 1823, in as far as regards the Districts of Graaff-Reinet, Uitenhage, Albany, Worcester, and Swellendam;—And whereas considerable expence has been incurred on this Head in several of the Districts of this Colony, without any adequate Benefit,

(1) Allowed by the Home Government,—but wholly repealed by Ordinance No. 45—1828.

(2) *Vide supra* p. 230.

His Excellency the Governor in Council is hereby No. 3. pleased to Order and Direct, that from and after the 1825. date of the Promulgation of this Ordinance, a Reward of Five Rix-Dollars only, shall be given by the competent Authorities in the Districts, for every Tiger so destroyed.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given at the Cape of Good Hope,
this 21st day of June 1825.

By Command of His Excellency the Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) P. G. Brink, Act. Clerk of the Council.

No. 4.—Signed, C. H. Somerset.

Ordinance directing that from and after the 15th of July 1825, all Licences to Trade with the Caffres at Fort Willshire, or at any other Places which may hereafter be fixed on by Government, shall be written on a Stamp of 80 Rix-dollars, renewable annually. (1)

WHEREAS by the Proclamation of His Excellency the Governor, under Date 23d July, 1824, (2) certain Regulations and Restrictions were Enacted, for carrying on a Traffick at Fort Willshire, between the Colonists and the Caffre Nation:—

(1) Allowed by the Home Government, but repealed by Ordinance No. 23—1826.

(2) Partially repealed by Ordinance No. 16—1825, and wholly repealed by Ordinance No. 23—1826.

No. 4. And whereas it is deemed advisable, with a view to
 1825. limit the Attendance at the Fairs established at Fort Willshire, to regular Traders, and to prevent a Concource of Speculative Adventurers, that a Stamp Duty be paid on each Licence issued by the Landdrosts for Permission to carry on such Traffick.

His Excellency the Governor in Council is hereby pleased to Order and Direct, that from and after the Fifteenth Day of July next, all Licences to Trade with the Caffres, at Fort Willshire, or at any other Places which may hereafter be fixed on by Government, shall be written on a Stamp to the Amount of Eighty Rix-dollars; renewable Annually; and that the Licences now issued shall be immediately called in, and cancelled,—and be of no further avail, after the Fifteenth Day of July next,

And any Person Trafficking at such Fairs, without such Stamped Licence, as above-mentioned, will be subject, on Conviction before a competent Tribunal, to the Penalties fixed in the 10th Article of the Proclamation of the 23rd July 1824.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner. (1)

God save the King!

Given at the Cape of Good Hope,
 this 21st Day of June 1825.

By Command of His Excellency the Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) P. G. Brink, Act. Clerk of the Council.

(1) *Vide Ordinance No. 81—1830*

No. 5.—Signed, C. H. Somerset.

Ordinance for destroying a Sum of 20,000 Rix-dollars, Old and Defaced Paper Money, &c.⁽¹⁾

WHEREAS the Paper Money, stamped and signed according to the Proclamation of the 22d April last, to the amount of 20,000 Rix-dollars, has been placed in the custody of J. W. Stoll, Esq., His Majesty's Receiver General, in order to be exchanged with an equal quantity of worn out and defaced Money, which is also in the hands of the said Receiver General.

And whereas the Landdrost and Heemraden of Stellenbosch⁽²⁾ have repaid to the Colonial Treasury, the sum of 3000 Rix-dollars, being the Twentieth Instalment of the sum of Rds. 75,000, which had been created and advanced by the Batavian Government, in the year 1804, for the special purpose of repairing the damages occasioned by a fire in that Village, and which Money was to be repaid in Instalments of Rds. 3000 per annum, and publicly destroyed, as directed by the Proclamation of the Governor and Council of the 30th September 1804.

And whereas the Debentures issued according to the Proclamation of the 21st June 1822, have been called in and delivered to the said Receiver General, according to the Proclamation of the 12th November last.

These are therefore to require and direct, that D. Denyssen, Esq., His Majesty's Fiscal; W. Hewetson, Esq., Assistant Commissary General, together with two Members of the Court of Justice, and two Members of the Burgher Senate, to be appointed by the Court and Senate, do meet at the Office of Revenue, on Wednesday next, the 29th instant, at 10 o'clock, and that they do there and then receive from J. W. Stoll, Esq., His Majesty's Receiver General, the

(1) Allowed by the Home Government.

(2) *Vide* Ordinance No. 28.

No. 5. abovementioned sums of Rds. 20,000 and of Rds. 3000,
 1825. as also the abovementioned Debentures, and after examining the same, that they do, in their presence, cause the same to be publicly burned and destroyed.

And in case the examination of the several Pieces of Money, which constitute the above sums of 20,000 and 3000 Rix-dollars, and of the Debentures so to be received by them, cannot be concluded in one day, they are then and in that case, to adjourn and proceed therein as shall appear best to them ; but so as to finish and conclude in the shortest time possible.

And it is further directed, that the several Persons abovementioned, do sign three Certificates of their proceedings herein, to be drawn up and prepared by Mr. C. M. Zastron, Clerk in the Colonial Secretary's Office, under the direction of the Fiscal, two of which Certificates are to be delivered to J. W. Stoll, Esq., as his Discharge for the sum of 23,000 Rds. and also of the aforesaid Debentures with which he now stands charged to His Majesty, and the other is to be lodged in the Records of the Court of Justice, by the Fiscal and the Members thereunto belonging, at the next Meeting after the signing as above directed.

And His Majesty's Fiscal is hereby also directed to require and demand of the Court of Justice, within 14 days after the lodging of such Certificate as abovementioned, that they do pass a Public Act, under their Hand, and the Seal of the Court, certifying and declaring all their proceedings, which have been held and taken place, with regard to the stamping and signing of the several pieces of Money, as expressed in the Proclamation of the 22d April last, as also, of the exchanging and destroying of worn out and defaced Money, equivalent thereto, and of the 3000 Rds. received from the Landdrost and Heemraden of Stellenbosch, and of the aforesaid Debentures, annexing to, or including in such their Act, authentic copies of

the several certificates lodged as directed in their No. 5. Records—which Public Act is to be presented to His Excellency the Governor, to be disposed of in such manner as His Excellency may think expedient for the satisfaction of His Majesty in the premises.

For all which this shall be to all concerned a full and sufficient warrant and authority.

God save the King !

Given at the Cape of Good Hope,
this 27th day of June 1825.

By Command of His Excellency the Governor,
(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,
(Signed) P. G. Brink, Act. Clerk of the Council.

No. 6.—Signed, C. H. Somerset.

Ordinance promulgating an Order of the King's Most Excellent Majesty in Council, for giving Currency to, and fixing the Value of, British Silver and Copper Money throughout this Colony. (1)

HIS Excellency the Governor in Council is pleased to promulgate, for general information, the following Order of the King's Most Excellent Majesty in Council, issued for the purpose of giving Currency to British Silver and Copper Money throughout the British Colonial Possessions, and of fixing its value in Payments which may now be made in Rix-dollars, under the Laws and Usages of the Cape of Good Hope; (2) together with the Instructions which the Lords Commissioners of His Majesty's Treasury have directed to be addressed to the Officer in charge of the Duties of the Commissariat Department, ex-

(1) Allowed by the Home Government.

(2) *Vide* Proclamation, 23d Jan. 1806, p. 9.—10th May 1816, p. 199—and Ordinance No. 2—1825, p. 275 *supra*.

No. 6. plaining the Arrangements under which the Views of 1825. His Majesty's Government are to be carried into effect :—

At the Court, at Carlton House, the 23d March 1825, present, the KING's Most Excellent Majesty in Council.

WHEREAS it has been represented to His Majesty at this Board, by the Lords Commissioners of His Majesty's Treasury, that they have given directions that His Majesty's Troops serving in the several British Colonies and Possessions Abroad should in certain cases be paid in British Silver and Copper Money, and that with a view of securing the Circulation of such Money in those Colonies it would be expedient that an Order in Council should be issued, declaring that in all those Colonies where the Spanish Dollar is now either by Law, Fact or Practice, considered as a legal tender for the discharge of Debts, or where the Duties to the Government are rated or collected, or the Individuals have a right to pay in that description of Coin, that a tender and payment of British Silver Money to the amount of Four Shillings and Four Pence should be considered as equivalent to tender or payment of One Spanish Dollar, and so in proportion for any greater or less amount of Debt.

And whereas it has been further represented by the Lords Commissioners of His Majesty's Treasury, that with respect to the Cape of Good Hope, where there are not any Spanish Dollars in Circulation, but where the Circulation consists entirely of Paper Rix-dollars and its proportions; and with respect to Ceylon, where the Circulation consists of Silver and Paper Rix-dollars as well as of a variety of other Coins, which are generally received and paid with relation to their value as compared with Rix-dollars, it would be expedient that a tender and payment of One Shilling and Six Pence in British Silver Money should be considered as equivalent to a tender and payment of One such Rix-dollar so current at the Cape of Good Hope and Ceylon respectively, and so in proportion for any greater or less Sum, and also that British Copper Money should be made a legal tender in all the British Colo-

nies for its due and proper proportions of British Sil-No. 6. ver Money as by Law established in Great Britain, but 1825. that no person should be compelled to take more than Twelve Pence in Copper Money at any one payment ; His Majesty, having taken the said representation into consideration, is pleased by and with the advice of His Privy Council, to approve of what is therein proposed, and the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Honourable Earl Bathurst, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

(Signed) C. C. Greville.

Commissariat Department.

Circular, No. 89.

Treasury Chambers, 12th Feb. 1825.

Sir,—The Lords Commissioners of His Majesty's Treasury having had under their consideration the Rate at which the Dollar is issued to the Troops at the Station under your charge, and having also adverted to the difficulty which exists at many Stations of procuring not only the Spanish Dollar, but also the proportional parts of the Dollar, so as to form a convenient Medium for the Issue of pay to the Troops ; have determined to send to all the Colonies, British Silver and Copper Money, which is to be issued for the Pay of the Staff and Regimental Officers, and the Non-Commissioned Officers and Soldiers, and also for the Pay of all Persons having permanent appointments in any of the Civil Departments of the Army, at its nominal Rate : and they have requested the Secretary of State to make such Communications to the Governors of the several Colonies, as may insure its general use as a Circulating Medium.

With a view of attaining that object, and to secure its circulation without the great fluctuation in the Rate for the Exchange to which a circulation of Spanish Dollars is subject, with reference to Bills drawn upon this Board of Sterling Money ;—I am commanded by their Lordships to direct that at certain hours in every day, or upon one certain day of each week, as the

No. 6. Officer commanding the Forces may deem most expedient, you will be prepared to receive British Silver Money in Sums of not less than £103, from any Persons whatever who may tender the same; and that you will grant to such Persons Bills upon this Board at thirty days' sight, for the Money so tendered, at the fixed rate of a Bill for £100 for every £103 of Silver Money. You will, of course, take care that you do not receive in Exchange for Bills upon this Board any British Silver Money wantonly or fraudulently defaced, or reduced in its true weight, but such only as may be perfect; and you will receive all such Money by tale; but a very satisfactory check upon the tale may be obtained by weighing the Coin which may be tendered to you in Exchange for Bills; as every *lb.* troy should produce by tale £3 6s. (*i. e.*) 66 Shillings; and therefore £103 to be given in Exchange for a Bill of £100 should weigh 31*lbs.* 2oz. 10*dwt.* 21½ *grains* troy; but which weight may be subject to a slight variation from the fair wear of the Coin.

I am further to desire that you will not on any account, or under any pretence, receive British Silver Money in exchange for Bills upon this Board, at any other Rate than that before specified; and that whenever you have British Silver Money in the Chest you will issue it for the Pay of the Troops in preference to every other species of Coin. Copper Money will be sent to you with the British Silver Money, and it is to be issued from time to time at its nominal Rate; but My Lords desire that fractions only of less than 6*d.* may be issued in that Coin, unless particularly requested by the Persons who are to receive the same.

In the event of your not having sufficient British Silver Money in the Military Chest, for the purpose of making the necessary payments to the Troops, you will issue to them Spanish Dollars as at present, but at the rate of 4s. 4*d.* per Dollar; and you will issue all other Dollars or Coins in payment to the Troops at the same proportionate Rate with reference to their actual contents in pure Silver. A Scale of the Rates at which some of the Coins should be so issued is inclosed.

The principal upon which their Lordships are pleased to direct the Dollar to be issued to the Troops at 52*d.*

each, is, that this is the nearest value as compared to No. 6. British Standard Silver at 5s. 2d. per oz.; being the 1825. ancient Standard of the Silver Coin of the Realm; and therefore, in fixing the value of all other Coins with reference to that Standard, it is necessary that you should attend not only to the weight of the Coin, but to its contents in pure Silver.

A Pound Troy of Standard Silver, containing 11oz. 2dwts. of pure Silver, and 18dwts of Alloy, the proportion between Pure and Standard Silver may be expressed by the fractions $\frac{23}{24} = \frac{17}{18}$.

The Pound Troy of Spanish Dollars contains 10oz. 14dwts. of Pure Silver, and 1oz. 6dwts. of Alloy, and the proportion between the gross Weight of the Spanish Dollar, and its contents in Pure Silver may be expressed by the fractions $\frac{23}{24} = \frac{17}{18}$.

I am further to direct that in negotiating Bills upon this Board for Dollars or any other Coin (except British Silver Coin,) you will pursue the present course, and obtain the same upon the most favorable Rates of Exchange that may be practicable; it not being their Lordships' intention that any other Coins, than British Silver Coins, should be received into the Military Chest in exchange for Bills upon this Board, at any other than the Current Rate of Exchange.

My Lords further desire that this arrangement with respect to the Rate at which British Silver Money or Dollars is to be issued in Payment to the Troops, may take place from the 24th of the Month next after date of the General Order, which the Officer Commanding the Forces may issue in consequence of the Instructions which will be conveyed to him, for giving effect to this measure.

With respect to the mode of paying for Supplies of every description which may have already been agreed or contracted for, My Lords desire that the Payments may be made in every respect in the same manner, and at the same Rates as the Payments would have been made if the proposed alteration had not been directed; and in all future cases where Articles may be contracted for, My Lords desire that it may be expressly stated in the Advertisement for the Supply, and also in the Contract to be entered into, that the Payments

No. 6. are to be made in British Silver Money; but with a 1825. reservation of a power on the part of the Commissary to pay in Bills upon this Board, at the Rate of a Bill for £100 for every £103 due upon the Contract; and which power you will of course avail yourself of, in all cases where there may be a scarcity of British Silver Money in the Chest.

I am further directed to acquaint you that it may much facilitate their Lordships' object in obtaining a Circulation for British Silver Money in all the Colonies, if all your Sub-Accountants at Detached Stations where there is a Branch of the Military Chest, where furnished by you with Bills upon this Board, drawn in their favor for sums of £100 each, and with which you might charge them as with Cash; and which Bill they should be instructed to Endorse over to those Persons, who may lodge in the Military Chest, under their charge £103 of British Silver Money for each Bill. The Regulations now in force for ascertaining the Balance of Money in the Military Chest, will be as equally applicable to Bills as to Cash: and with a view to simplify the transactions as much as possible, and to guard against any irregularities, their Lordships have directed me to transmit Blank Bills, which may be used exclusively for this purpose.

I am further directed to acquaint you, that their Lordships have called the attention of the Officer Commanding the Forces to the Rates in Money, granted as Pay to Persons holding local or temporary appointments, and also in lieu of allowances of Forage, Fuel, Lodging, &c. to Regimental and Staff Officers; and which Rates have been fixed with reference to the expence of the Articles, in lieu of which the Money Allowance was granted, and to the value of the Currency in which the Pay and Allowances were issued, with a view to his causing Boards to be assembled for revising the whole of those Allowances, and for fixing new Rates of Pay and Allowances in lieu thereof, payable in British Silver Money; by which My Lords expect that a nominal reduction will be made in the Amount of these Allowances, equal, or nearly equal, to the difference between the value of the Dollar as it has heretofore been issued, and 4s. 4d.

You will also issue to the Officers of all Public De-

partments, to whom you may be called upon to make No. 6. Payments in exchange for their Certificates, Bills, or 1825. Drafts, British Silver Money at its nominal Rate, Spanish Dollars at 4s. 4d. each, and other Dollars or Coins at the same proportionate rate; but the payment of the Drafts of the Ordnance Officers for Materials or other Articles of Supply, under existing Contracts, you will of course make in the same manner, and in Coins at the same Rate as the payments would have been made in the event of the foregoing arrangement not having been adopted.

I am further directed to acquaint you that supplies of Money will from time to time be sent to you, and of the Shipments of which you will be duly apprised.

(Signed) Geo. Harrison.

Table of the Gross Weight of the contents in pure Silver, and of the Value, computed at the rate of 5s. 2d. per oz. Troy, British Standard fineness, of the undermentioned Silver Coins, taken from Assays made at the Mints at Paris and London, together with the Rate at which those Coins are to be issued (when British Coin is not in the Military Chest) for the Pay of the British Troops in the Colonies :—

	Gross Weight of Coins.	Contents in pure Silver.		Value at 5s. 2d. per oz. Standard.			To be issued to the Troops at	
	Grains.	Grains.		s.	d.	Dec.	s.	d.
<i>French.</i>								
Pieces of 5 Francs	385	344	9	4	0	16	4	0
2 ditto	155	138	8	1	7	38	1	8
Franc. . . .	77½	69	4	0	9	69	0	10
<i>Sicilian.</i>								
Dollar or Scudo	422	348	2	4	0	62	4	1
Piece of 40 Grains	141	117	5	1	4	40	1	5
20 ditto	72	59	1	0	8	25	0	9
<i>Spanish.</i>								
Dollar	416	370	9	4	3	79	4	4
<i>U. S. of America.</i>								
Dollar	416	370	1	4	3	68	4	4
<i>East Indies.</i>								
Calcutta, Rupee	192	175	9	2	0	56	2	1
Bombay, } or } ditto	179	164	7	1	11	10	1	11
Surat, }								

No. 6. Commissariat Department.
1825. No. 102.

Treasury Chambers, 5th March, 1825.

Sir,—In transmitting to you the enclosed Letter, in regard to the manner and rate at which British Silver Money, Spanish Dollars, or other Coins, are to be issued in payment to the Troops at the several Foreign Stations, I am commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you, that they have adverted to the Rate at which the Commissariat Bills have been negotiated upon this Board for a considerable time past, in exchange for the Paper Rix-dollar of the Colony; and as the greatest evils must arise, not only in the payment to the Troops, but also in all the Commercial Relations of the Colony, from the great fluctuation in the exchangeable value of this description of Currency, they are pleased to direct that you will, upon communication with the Officers Commanding the Forces, give a Public Notice that you will take Paper Rix-dollars in exchange for Bills upon this Board, in the same manner as you are directed by the enclosed Instructions to take British Silver Money, computing each Paper Rix-dollar as equivalent to 1s 6d. of British Silver Money, and so in proportion for the Paper, below the denomination of a Rix-dollar; and their Lordships will direct the Officer Commanding the Forces to issue a General Order, that all future Issues to the Army for Pay or otherwise, should, when made in Paper Rix-dollars, be computed at the rate of 1s. 6d. each.

You will on no account issue your Bills upon this Board, in exchange either for British Silver Money, or for Paper Rix-dollars, at any other than the prescribed Rates.

You will also take care not to re-issue any of the Paper which you may receive in exchange for Bills upon this Board, which may represent a Sum of less than 10 Rix-dollars, it being their Lordships' intention that such Paper Money should not, when once received into the Military Chest, be again re-issued; and their Lordships will very shortly transmit to you Instructions in regard to the disposal of this Paper; and also to the disposal of any quantity of Paper which may be paid

into the Military Chest, beyond the quantity required No. 6.
to be re-issued for the current expenditure. 1825.

I am, Sir, &c. &c.

(Signed) Geo. Harrison.

Assistant Commissary General Hewetson, *Cape of Good Hope.*

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King!

Given at the Cape of Good Hope,
this 12th Day of July 1825.

By Command of His Excellency the Governor,
(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,
(Signed) P. G. Brink, Act. Clerk of the Council.

No. 7.—Signed, C. H. Somerset.

Ordinance for the Stamping and Signing of a Sum of 56,000 Rix-dollars, in lieu of an equal amount of worn-out and defaced Paper Money. (1)

WHEREAS His Majesty's Receiver General has reported to His Excellency the Governor, that there is at present in his Custody, the Sum of Fifty-Six Thousand Rix-dollars, worn-out and defaced Paper Money, unfit for further circulation:

These are, therefore, to order and direct, that the Secretary of the Court of Justice, do, on Wednesday, the 3d instant, attend at the Colonial Secretary's Office, where on application to the Colonial Secretary, (in whose custody they are,) he will receive the Stamps, together with the quantity of Cartoon necessary for the purpose, and that he do, in the presence of the Fiscal and two Members of the Court of Justice, who are hereby re-

(1) Allowed by the Home Government.

No. 7. quired to attend at the time aforesaid, at the usual
 1825. place, and in the usual manner, cause the number of
 280 Pieces of 200 Rds. each, the backs of which are
 Red, and marked (200) to be stamped ; which Pieces,
 when so stamped, are to be delivered by the Fiscal and
 Members of the Court of Justice aforesaid, to the Colo-
 nial Secretary, to whom they are also, at the same time,
 to return the Stamps ; which Stamps, being replaced in
 the Box in which they are usually kept, the Box shall
 be sealed with His Excellency the Governor's Seal, and
 with that of the Court of Justice, and so remain until
 further wanted ; of all which the Fiscal and Members
 of the Court of Justice are to make a Public Act of
 Certification, in the presence of the Court, on the next
 Court-Day, to be registered in the Records of the Court.

And it is further directed, that such stamped Pieces
 (being regularly marked and numbered, and the value
 of each Piece, with the Date, duly printed thereon)
 shall be signed by Messrs. W. Hiddingh, D. J. Kuys,
 and J. H. Frouenfelder.

And it is hereby further directed, that such Money
 so stamped and signed, do remain in the custody of
 His Majesty's Receiver General, until report be made
 of its being finished, when such further Orders shall
 be given, as may be expedient.

And for the several matters herein mentioned, this
 shall be to all concerned a full and sufficient Warrant.

And that no Person may plead ignorance hereof, this
 will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope,
 this 1st Day of August, 1825.

By Command of His Excellency the Governor,

(Signed,) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed,) P. G. Brink, Act. Clerk of the Council.

No. 8.—Signed, C. H. Somerset.

Ordinance for destroying the Sum of 56,000 Rix-dollars old and defaced Paper Money. (1)

WHEREAS the Paper Money, stamped and signed according to the Ordinance of the 1st instant, to the amount of 56,000 Rix-dollars, has been placed in the custody of J. W. Stoll, Esq., His Majesty's Receiver General, in order to be exchanged with an equal quantity of worn-out and defaced Money, which is also in the hands of the said Receiver General :

These are therefore to require and direct, that D. Denyssen, Esq., His Majesty's Fiscal ; W. Hewetson, Esq., Assistant Commissary General, together with two Members of the Court of Justice, and two Members of the Burgher Senate, to be appointed by the Court and Senate, do meet at the Office of Revenue, on Tuesday next, the 23d instant, at 10 o'clock, and that they do then and there receive from J. W. Stoll, Esq., His Majesty's Receiver General, the abovementioned sum of 56,000 Rix-dollars, and, after examining the same, that they do, in their presence, cause the same to be publicly burned and destroyed.

And in case the examination of the several Pieces of Money which constitute the above Sum of 56,000 Rix-dollars, cannot be concluded in one day, they are then, and in that case, to adjourn, and proceed therein as shall appear best to them ; but so as to finish and conclude in the shortest time possible. And it is further directed, that the several Persons abovementioned, do sign three Certificates of their proceedings herein, to be drawn up and prepared by Mr. C. M. Zastron, Clerk in the Colonial Secretary's Office, under the direction of the Fiscal, two of which Certificates are to be delivered to J. W. Stoll, Esq., as his Discharge for the sum of 56,000 Rix-dollars, with which he now stands charged to His Majesty, and the other is to be lodged in the Records of the Court of Justice, by the Fiscal and the Members thereunto belonging, at the next Meeting after the signing as above directed.

(1) Allowed by the Home Government.

No. 8. And His Majesty's Fiscal is hereby also directed to require and demand of the Court of Justice, within 14 days after the lodging of such Certificate as abovementioned, that they do pass a Public Act, under their Hand, and the Seal of the Court, certifying and declaring all their proceedings, which have been held and have taken place, with regard to the stamping and signing of the several pieces of Money, as expressed in the Ordinance of 1st instant; as also, of the exchanging and destroying of worn-out and defaced Money, equivalent thereto, annexing to, or including in such their Act, authentic copies of the several certificates lodged as directed in their Records—which Public Act is to be presented to His Excellency the Governor, to be disposed of in such manner as His Excellency may think expedient for the satisfaction of His Majesty in the premises.

For all which this shall be to all concerned a full and sufficient warrant and authority.

God save the King !

Given at the Cape of Good Hope,
this 22d day of August 1825.

By Command of His Excellency the Governor,
(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,
(Signed) P. G. Brink, Act. Clerk of the Council.

No. 9,—Signed, C. H. Somerset.

Ordinance for the more effectual Apprehension of Deserted Convicts, and Gangs of Vagrants. (1)

WHEREAS it has been represented to His Excellency the Governor in Council, that from the difficulty of effectually securing the Convicts who are condemned to labour at the Public Works in this Colony, frequent Desertions have taken place:—And whereas several Gangs of Vagrants, principally consisting of such

(1) Disallowed by the Home Government.

Deserted Convicts, are actually collected in various parts of the Interior of this Colony, who, from their previous habits of life, added to the state of Vagrancy in which they are necessarily compelled to live, disturb and infest the peaceable Inhabitants of the Colony, breaking open Houses and Stores, plundering Cattle, abusing and maltreating the Herdsmen, and seducing Slaves and Hottentots to join their Gangs;—And whereas from the fear of being retaken and delivered once more into the Hands of Justice, these Gangs have become desperate, and go about armed, with the view of attacking such Persons who might attempt to take them Prisoners, and have thus become dangerous to the Lives, as well as to the Property, of the Inhabitants, and have actually wounded Persons who had been sent out to apprehend them.

And whereas the Laws at present in force in this Colony (by which the Officers of Justice, or Inhabitants called in to aid and assist them in the apprehension of Convicts are only authorised to resort to force in case of actual resistance) are insufficient to counteract and defeat the Ravages of these desperate Offenders,—It is hereby Enacted and Declared, that henceforth it shall and may be lawful for the Officers of Justice, or of Police, as well as such of the Inhabitants who may be specially assembled for the purpose of apprehending such Gangs, with the authority of the Landdrosts, and under the controul of some Local Authority or Officer of Justice or Police, upon the discovery of one or more Persons known to be deserted Convicts, or notoriously to belong to such Gangs of Plunderers, in case of obstinate refusal after three repeated Calls “To Stand,” to shoot at any such Person or Persons with Small Shot; provided, however, they take aim at the Legs only of such Persons, and provided also, that they cannot be otherwise apprehended. ⁽¹⁾

And in order to hold out encouragement to the Inhabitants of this Colony to apprehend such Deserted Convicts without the necessity of having recourse to force, as hereinbefore authorised,—It is hereby En-

⁽¹⁾ *Vide* Proclamation 24th March 1814, p. 159, and Ordinance No. 2.—1837, *infra*.

No. 9. acted and Declared, that a Reward of Fifty Rix-dollars shall be paid by Government for every deserted Convict belonging to any of the Gangs abovementioned who shall be apprehended without being wounded, and delivered into the Hands of Justice.

And with the view of giving warning to these misguided Persons, and of allowing them time to deliver themselves up to the Local Authorities, His Excellency the Governor in Council is further pleased to Enact and Declare, that the Provisions of this Proclamation or Ordinance shall not take effect until the First Day of October next; after which period all Deserted Convicts who may be apprehended, either by force or otherwise, independent of the Punishment to which they are liable by the existing Laws of the Colony, shall be publicly flogged.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King!

Given at the Cape of Good Hope,
this 29th Day of August 1825.

By Command of His Excellency the Governor,

(Signed) R. Plasket, Sec. to Gov.

By Order of the Council,

(Signed) P. G. Brink, Act. Clerk of the Council.

No. 10.—Signed, C. H. Somerset.

Ordinance for the better Apprehending and bringing to Justice the Person or Persons concerned in the Murder of Joel, of Mosambique, Slave of the Widow Henry Alexander. (1)

WHEREAS it has been represented to His Excellency the Governor in Council, that Joel, of Mosambique, Slave of the Widow Henry Alexander, was found dead on the road near the Market-place, behind the Castle, early in the morning of the 15th ultimo, and that from the violent marks discovered on his Corpse, there exists no doubt of his having been Murdered:

(1) Allowed by the Home Government.

His Excellency in Council, for the better discovering No. 10.
and bringing to Justice the Persons concerned in the 1825.
above-mentioned atrocious Murder, is pleased to promise His Majesty's Most Gracious Pardon to any one of them (except the Person who actually Murdered the said Joel, of Mosambique), who shall discover his Accomplice or Accomplices therein, so that he or they may be Apprehended and Convicted thereof.

And as a further encouragement, a Reward of *Five Hundred Rix-dollars* is hereby offered to any Person (except as aforesaid), who shall discover the said Offender or Offenders, so that he or they may be Apprehended and Convicted of the said Crime, together with Freedom to a Slave, should the discovery be made by such Person.

And in order to give the fullest publicity to this Ordinance besides the usual means of making the same known, it is also hereby directed, that each and every Wardmaster of this Town, and each and every Wardmaster and Field-Cornet in the Cape and Country Districts, and in the Residency of Simon's Town, shall appoint and assemble one Slave from every House or Place in their respective Wards or Field-Cornercies, and explain or cause to be explained to such Slaves so assembled, in the English, Dutch, and Portuguese Languages, the full meaning of this Ordinance, so that none may remain ignorant thereof; and that they, after having so done, shall report to His Majesty's Fiscal their having complied with this Instruction within the shortest period allowed them for such purpose, as they shall answer for the contrary at their peril.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King!

Given at the Cape of Good Hope,
this 5th Day of September 1825.

By Command of His Excellency the Governor,
(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,
(Signed) P. G. Brink, Act. Clerk of the Council.

No. 11.—Signed, C. H. Somerset.

Ordinance for assigning to the Office of His Majesty's Fiscal certain Duties specially to be entrusted to his Charge, and for separating therefrom the Administration of the Police. ⁽¹⁾

WHEREAS His Excellency the Governor in Council has taken into serious consideration the various Duties which are at present attached to the Office of His Majesty's Fiscal in this Colony, and the impossibility, under the increase of Business which has taken place within the last few years, that any Officer, however zealous and laborious, can attend to such extensive Duties, either with satisfaction to himself or with advantage to the Public interests :

And whereas His Excellency in Council has deemed it expedient, that the Administration of the Police shall henceforth be entirely separated from the Office of His Majesty's Fiscal, and shall be entrusted to the charge of an Officer to be specially appointed for the purpose :

It is hereby enacted and declared, that the Duties of His Majesty's Fiscal shall, from and after the 1st of the ensuing month of November, be limited as follows:—

1st. He shall aid and assist the Government with his Advice on all points of Law, and shall prepare the Drafts of all Legislative Acts proposed to be submitted to His Excellency the Governor in Council.

2d. He shall act as Public Prosecutor in Criminal Cases, where the Offence is Capital, or committed by the Landdrost or other Chief Magistrate within the jurisdiction of the District over which he presides, in whatever part of the Colony such Offences shall have been perpetrated ; and in all Criminal Cases, of whatsoever nature, committed within the jurisdiction of Cape Town, with the exception of such Offences as are specified in the third Section of the Crown Trial, and which are cognizable before one Commissioner of the Court of Justice. Provided, however, that in all Capital Crimes committed within the several Districts of this Colony, or the Residency of Simon's Town, the preliminary investigation and the usual proceedings, as heretofore prac-

(1) Disallowed as being superseded by the Charter.

tised, shall be taken by the respective Landdrosts or No. 11. Resident; and that in the prosecution of such Cases, His 1825. Majesty's Fiscal shall be assisted by the Advocate for the Country Districts.

3d. He shall have the right of prevention in all other Criminal Cases committed throughout the Colony.

4th. He shall also act on the part and on behalf of Government, in all Revenue or Civil Causes, wherein the Government may be concerned either as Claimant or Defendant, except in the recovery of Fines, Penalties, &c. for the contravention of Police Regulations, which duty will remain with the Superintendent of the Police.

5th. In all the aforesaid duties he shall be assisted by his Deputy (being one of the Class of Advocates), to whom he shall have the Power of entrusting all such Cases as may be brought before two Commissioners of the Court of Justice.

6th. And it is further enacted, that so much of the Proclamation of the 3d July 1818, ⁽¹⁾ which declares, that the Deputy Fiscal shall, *ex officio*, act as Advocate for the Landdrosts of the several Districts in this Colony, and the Resident of Simon's Town, in the prosecution of Criminal Cases, be repealed; and that such Officer be charged with the duties thereof, as shall hereafter be especially appointed thereto by Government, save and except in Capital Cases in the Districts, which are provided for, as before-mentioned.

7th. And be it further enacted, that the Duty of administering Oaths and taking Affidavits, which has hitherto devolved on his Majesty's Fiscal, or his Deputies, shall henceforth devolve on the Sitting Commissioner from the Court of Justice, to whom the Parties wishing to make Oath are in future to apply.

8th. And it is hereby finally enacted and declared, that no Fee whatever, nor any Allowance which may heretofore have been authorised to be taken by His Majesty's Fiscal, or his Deputies, arising from the Prosecution of Criminal or Civil Matters, or from Shares of Fines, Confiscations, Penalties, &c. shall henceforth be taken or received by the said Officers, or by any other Persons acting under them; but that all such Fees which may be authorised by Government, and all such Shares of Fines, Confiscations, Penalties, &c. as abovementioned, shall be carried to the Account of Government, and paid into the Colonial Treasury.

(1) Repealed.

No 11. And that no Person may plead ignorance hereof, this 1825. will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope,
this 10th Day of October 1825.

By Command of His Excellency the Governor,

(Signed) R. Plasket, Sec. to Gov.

By Order of the Council,

(Signed) P. G. Brink, Act. Clerk of the Council.

No. 12.—Signed, C. H. Somerset.

Ordinance for appointing an Officer to be entrusted with the Administration of the Police, and the Prosecution of Police Cases, arising within the Jurisdiction of Cape Town. (1)

WHEREAS by the Proclamation, or Ordinance, of His Excellency the Governor in Council, under this day's date, it was decreed, that the Administration of the Police, which had hitherto been attached to the Office of His Majesty's Fiscal, should henceforth be separated therefrom: It is hereby enacted and declared, that from and after the 1st of the ensuing month of November, the Administration of the Police within the jurisdiction of Cape Town shall devolve upon an Officer to be expressly nominated by His Excellency the Governor for that purpose, under the Title of "*Superintendent of Police*," who shall be, and he is hereby invested with all the Powers and Authority hitherto granted to His Majesty's Fiscal, in Police matters, and who shall, in conjunction with the Deputy who may be appointed to assist him, be charged with the several Duties hereinafter specified, within the jurisdiction above-mentioned.

1st. He shall use his utmost endeavours for the suppression of Riots and all other Breaches of the peace.

2d. He shall hear Complaints and take Informations in a summary way, respecting all Crimes and Transgressions of

(1) Superseded by the Charter.—But see Ordinances *infra*, No. 36—1828, 44—1828, and No. 4—1834.

the Laws, and shall report the same to His Majesty's Fiscal, No. 12. in order that the Offenders may be dealt with according to 1825. Law, with the exception of such Offences as are specified in the Third Section of the Crown Trial, as cognizable before one Commissioner from the Court of Justice, in which cases the Superintendent of Police or his Deputy, shall bring the Offenders, with all the information he can procure on the subject before the said Commissioner.

3d. He shall cause to be removed all Public Nuisances, and attend to the state and cleanliness of the Public Streets.

4th. He shall maintain Peace and a proper degree of Decorum in all Public Places, and in all lawful Assemblies, Societies, Clubs, &c.

5th. He shall, in concurrence with the Commanding Officers of His Majesty's Ships stationed in Table Bay, with the Captain of the Port, and with the Chief Searcher of Customs, maintain the Port Regulations relating to the Police of the Harbour of Table Bay; and in cases of Quarantine, Embargo or other Restrictions laid on Vessels anchoring in Table Bay, he shall have the Power to establish temporary Guard Boats for enforcing the compliance with the same.

6th. He shall watch over and protect the property of Individuals in cases of unforeseen accident by Fire, Inundation, Shipwreck, or otherwise.

7th. He shall superintend the conduct of all Foreigners, and see that the Laws and Regulations, with regard to their Residence in this Colony, be strictly complied with.

8th. He shall maintain the Police Laws and Regulations relative to Hottentots, Free Blacks, and Slaves.

9th. He shall cause to be imprisoned all Vagrants and other Offenders, who, according to Law, should be taken into custody.

10th. He shall superintend the internal Management of the Prisons, and the general Allotment of the Convicts to such Public Works, to which, by their Sentence, they may be assigned.

11th. He shall, in concurrence with the Burgher Senate, maintain Order, and superintend the Regularity of the Dealings in the Public Markets, and in all Taverns and other Public Houses, for the Sale of Eatables, Drinkables, &c. and in all Retail Shops.

12th. He shall, in like manner, see that the Laws and Regulations respecting the Hire of Coolies, Boats, Waggon, Horses, Cattle, &c. be complied with.

No. 12. 13th. He shall also superintend the Registry of all Births
1825. and Deaths, as well as of all Licences, Contracts, Permissions,
&c. which have hitherto been required by Law to be registered in the Office of His Majesty's Fiscal, and shall further act in all other matters of Police not herein specified.

14th. He shall report to the Sitting Commissioner all cases of Arrest or Imprisonment, within 24 hours of the period of the Arrest or Imprisonment, who shall decide thereon according to the circumstances of the case; and it is hereby declared illegal for him to detain any one in Arrest beyond that period, unless reported as above directed.

15th. And it is further enacted and declared, that it shall be unlawful for the Superintendant of Police, and for all Persons acting under him, to take any Fee or Gratuity whatsoever, beyond such Public Fees as may be authorised by Government to be taken in the Department of the Superintendant of Police, and which shall be carried to the Credit of Government—excepting therefrom such Fees only, as hitherto have been received by the subordinate Officers and Servants in the Police Department, for the apprehension of Deserters and the transportation of Prisoners from one place to another, within the Limits of this Colony.

16. And with a view to enable the Superintendant of Police to carry into effect the important Duties committed to his charge, it is hereby ordered and directed, that all Officers in the Country Districts, and in the Residency of Simon's Town, exercising the Duties of Executive Police, shall correspond with the Superintendant of Police, on all matters requiring his knowledge or interference, and shall attend to all applications or matters of Police which may be made to them by the said Superintendant.

17th. And it is hereby further required and commanded, that all His Majesty's liege Subjects in this Colony be aiding and assisting to the said Superintendant of Police, when called upon, in the lawful execution of the Duties with which he is hereby entrusted.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, this 10th Oct. 1825.

By Command of His Excellency the Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) P. G. Brink, Act. Clerk of the Council.

No. 13.—Signed, C. H. Somerset.

Ordinance for the Stamping and Signing of a Sum of 50,000 Rix-dollars, in lieu of an equal amount of worn-out and defaced Paper Money. (1)

WHEREAS His Majesty's Receiver General has reported to His Excellency the Governor, that there is at present in his Custody, the Sum of Fifty Thousand Rix-dollars, worn-out and defaced Paper Money, unfit for further circulation :

These are, therefore, to order and direct, that the Secretary of the Court of Justice, do, on Friday, the 21st instant, attend at the Colonial Secretary's Office, where, on application to the Colonial Secretary, (in whose custody they are,) he will receive the Stamps, together with the quantity of Cartoon necessary for the purpose, and that he do, in the presence of the Fiscal and two Members of the Court of Justice, who are hereby required to attend at the time aforesaid, at the usual place, and in the usual manner, cause the number of 200 Pieces of 250 Rds. each, the backs of which are Green, and marked (250) to be stamped ; which Pieces, when so stamped, are to be delivered by the Fiscal and Members of the Court of Justice aforesaid, to the Colonial Secretary, to whom they are also, at the same time, to return the Stamps ; which Stamps, being replaced in the Box in which they are usually kept, the Box shall be sealed with His Excellency the Governor's Seal, and with that of the Court of Justice, and so remain until further wanted ; of all which the Fiscal and Members of the Court of Justice are to make a Public Act of Certification, in the presence of the Court, on the next Court-Day, to be registered in the Records of the Court.

And it is further directed, that such stamped Pieces (being regularly marked and numbered, and the value of each Piece, with the Date, duly printed thereon) shall be signed by Messrs. W. Hiddingh, D. J. Kuys, and J. H. Frouenfelder.

And it is hereby further directed, that such Money so stamped and signed, do remain in the custody of His Majesty's Receiver General, until report be made

(1) Allowed by the Home Government.

No.13. of its being finished, when such further Orders shall
1825. be given, as may be expedient.

And for the several matters herein mentioned, this shall be to all concerned a full and sufficient Warrant.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope,
this 17th Day of October, 1825.

By Command of His Excellency the Governor,

(Signed,) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed,) P. G. Brink, Act. Clerk of the Council.

No. 14.—Signed, C. H. Somerset.

Ordinance for abolishing the Duty of 2½ per Cent. levied on Moveable Property bought in at Public Auction ; and for reducing from 2½ to 1 per Cent. the Duty levied on Immoveable Property bought in at Public Auction, if disposed of by Private Contract within Six Weeks after such attempt at Public Sale. (1)

WHEREAS it has been represented to His Excellency the Governor in Council, that it would be injurious to the Mercantile Interests, as well as to the Revenue accruing to Government, if the Duty of Two and a Half per Cent. levied under the Proclamation of the 2d May 1806, (2) on Moveables bought in at Public Sales, were continued to be exacted : And whereas it has been also found expedient, that the Duty of Two and a Half per Cent. on Immoveable Property exposed to Public Sale and bought in, if the same be disposed of by Private Contract within six weeks after such attempt at Public Sale, should be reduced :

(1) Disallowed by the Home Government.

(2) *Vide supra* p. 15.

Be it therefore enacted, that the 1st and 2d Sections No. 14 of the Proclamation of the 2d May 1806, wherein it 1825. is directed, that on all Moveable Property exposed to Public Sale and bought in by the Owner or Proprietor thereof, One Half of the usual Duties are to be levied, —and that the Whole of the Vendue Duties are to be levied on Immoveable Property, which having been exposed to Public Sale and bought in by the Owner or Proprietor thereof, may be disposed of by Private Sale within six weeks from the day on which it was offered for Sale at Public Auction, shall be, and the same are hereby repealed.

And be it further enacted, that from and after the date of this Ordinance no Duty shall be levied on Moveable Property exposed to Public Sale and bought in by the Owner or Proprietor thereof; and that in case of the Sale of Immoveable Property, if the same shall have been exposed to Sale at Public Auction, and being bought in by the Owner or Proprietor thereof, shall be afterwards disposed of by Private Contract within six weeks from the day it was offered for Public Sale, then an Auction Duty of One per Cent. only shall be levied on the amount for which the same has been disposed of by Private Contract, in lieu of Two and a Half per Cent. as has been heretofore usual.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King!

Given at the Cape of Good Hope,
this 17th Day of October 1825.

By Command of His Excellency the Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) P. G. Brink, Act. Clerk of the Council.

No. 15.—Signed, C. H. Somerset.

Ordinance for destroying the Sum of 50,000 Rix-dollars old and defaced Paper Money. (1)

WHEREAS the Paper Money, stamped and signed according to the Ordinance of the 17th October, to the amount of 50,000 Rix-dollars, has been placed in the custody of J. W. Stoll, Esq., His Majesty's Receiver General, in order to be exchanged with an equal quantity of worn-out and defaced Money, which is also in the hands of the said Receiver General :

These are therefore to require and direct, that D. Denyssen, Esq., His Majesty's Fiscal ; W. Hewetson, Esq., Assistant Commissary General, together with two Members of the Court of Justice, and two Members of the Burgher Senate, to be appointed by the Court and Senate, do meet at the Office of Revenue, on Monday next, the 14th instant, at 10 o'clock, and that they do then and there receive from J. W. Stoll, Esq., His Majesty's Receiver General, the abovementioned sum of 50,000 Rix-dollars, and, after examining the same, that they do, in their presence, cause the same to be publicly burned and destroyed.

And in case the examination of the several Pieces of Money which constitute the above Sum of 50,000 Rix-dollars, cannot be concluded in one day, they are then, and in that case, to adjourn, and proceed therein as shall appear best to them ; but so as to finish and conclude in the shortest time possible. And it is further directed, that the several Persons abovementioned, do sign three Certificates of their proceedings herein, to be drawn up and prepared by Mr. C. M. Zastron, Clerk in the Colonial Secretary's Office, under the direction of the Fiscal, two of which Certificates are to be delivered to J. W. Stoll, Esq., as his Discharge for the sum of 50,000 Rix-dollars, with which he now stands charged to His Majesty, and the other is to be lodged in the Records of the Court of Justice, by the Fiscal and the Members thereunto

(1) Allowed by the Home Government.

belonging, at the next Meeting after the signing as No.15.
above directed. 1825.

And His Majesty's Fiscal is hereby also directed to require and demand of the Court of Justice, within 14 days after the lodging of such Certificate as abovementioned, that they do pass a Public Act, under their Hand, and the Seal of the Court, certifying and declaring all their proceedings, which have been held and have taken place, with regard to the stamping and signing of the several pieces of Money, as expressed in the Ordinance of 17th October; as also, of the exchanging and destroying of worn-out and defaced Money, equivalent thereto, annexing to, or including in such their Act, authentic copies of the several certificates lodged as directed in their Records—which Public Act is to be presented to His Excellency the Governor, to be disposed of in such manner as His Excellency may think expedient for the satisfaction of His Majesty in the premises.

For all which this shall be to all concerned a full and sufficient warrant and authority.

God save the King !

Given at the Cape of Good Hope,

this 7th day of Nov. 1825.

By Command of His Excellency the Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council.

No. 16.—Signed, C. H. Somerset.

Ordinance for opening the Trade in Cattle with the Caffre Tribes, at the Fair established by Government at Fort Willshire, and at such other Fairs as may hereafter be established by Government for that purpose. ⁽¹⁾

WHEREAS it has been found from experience that the temporary prohibition of Barter in Cattle, between the Colonists and the Caffre Tribes, at the Fair established at Fort Willshire, as contained in His Excellency the Governor's Proclamation of the 23d July 1824, has occasioned constant Smuggling in that Article, and has been attended with the most pernicious consequences to the Peace and Tranquillity of the Frontier:

Be it therefore hereby enacted, that so much of the Proclamation of 23d July 1824, as contains the aforesaid temporary prohibition of Barter in Cattle, shall be, and the same is, hereby repealed: And be it further enacted and declared, that the Colonists who are or may be Licensed to Traffic with the Caffre Tribes, at the Fair established at Fort Willshire, or at such other Fairs as may hereafter be established on the Frontier for that purpose, shall be henceforth allowed to carry on a Trade in Cattle with the Caffre Tribes, under the Regulations laid down for such Fairs.

The general prohibition to all Persons not Licensed as aforesaid, and at all Times and Places not excepted in the Proclamation of the 23d July 1824, or in other Laws or Proclamations, remaining in their full force.⁽²⁾

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner. ⁽³⁾

God save the King!

Given at the Cape of Good Hope, 17th Nov. 1825.

By Command of His Excellency the Governor,

(Signed) R. Plasket, Sec. to Gov.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council.

⁽¹⁾ Allowed by the Home Government,—But repealed by the Ordinance No. 23.

⁽²⁾ *Vide* Ordinance No. 4,—1825, p. 277

⁽³⁾ This Ordinance repealed by No. 23—1826, and *vide* Ordinance No. 81—1830.

No. 17.—Signed, Rich. Bourke.

Ordinance for Removing all Prohibition to the Importation of Grain and Flour into the Ports of these Settlements, for a Limited Time. (1)

WHEREAS it is necessary to provide against the injurious consequences which may result to this Colony, from the General Failure of the Grain Crops at the last Harvest, and to remove all Prohibition to the Importation of Grain and Flour into the Ports of these Settlements, for a time to be limited :

It is therefore enacted by the Lieutenant Governor in Council, that from and after the publication of this Ordinance, and for the period during which it shall continue to be in force, the 5th Section of the Proclamation of the 8th February 1822, shall stand repealed, and be of no effect.

And it is further enacted, that all Pulse, Grain, and Flour, of whatever description, shall be admitted into any of the Ports of this Colony, from the Date hereof, until the 31st day of December of the present year 1826, upon Payment of the following Duties of Customs, and no more:—that is to say, a Duty of Three per Cent. *ad valorem*, upon all Pulse, Grain, and Flour, imported in British or Foreign Ships.

And it is further enacted that this present Ordinance shall be in force until the 31st day of December next, and no longer.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King!

Given at the Cape of Good Hope, 3d April 1826.

By Command of His Honor the Lieutenant Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council.

(1) Disallowed by the Home Government.

No. 18.—Signed, Rich. Bourke.

Ordinance for separating the Jurisdiction of the Commissioner of the Court of Justice, to be appointed to take Cognizance of all Matters set forth in the 3d Section of the Crown Trial, from the Duties of the other Members of the Court, and making his Office Permanent; and for the further Regulation of the Duties to be performed by the said Commissioner. (1)

WHEREAS from the increase of Population in Cape Town and its Vicinity, it has been found necessary to establish an Executive Police therein; And whereas it is expedient, in order to give effect to that Establishment, and for the speedier Administration of Justice, that a Magistrate should be in daily attendance, to take cognizance of all such Matters, and to dispose, according to Law, of all such Persons as shall be brought before him by the Police as aforesaid: And whereas there are monthly Commissioners from the Court of Justice, appointed in rotation, for the dispatch of Business in Cape Town and within the jurisdiction thereof, one of whom it is expedient to make permanent for the purposes aforesaid—It is therefore hereby enacted:

1st. That it shall and may be lawful for the Governor, for the time being, of this Colony, with the approval of His Majesty, through one of His Principal Secretaries of State, to declare and appoint one of the Members of the Court of Justice to be a Permanent Sitting Commissioner, and that such Commissioner so to be appointed shall not be relieved in monthly rotation with the other Members, as set forth in the Crown Trial, but shall continue to sit apart in an Office to be provided for him, and shall discharge such of the Duties now performed by one Sitting Commissioner, as are hereinafter expressed, subject to such Alterations and Provisions as are hereinafter enacted, and with liberty to take his Seat in the Full Court when required by the Chief Justice, or when convenient for him so to do; save and except in Cases of Appeal from Sentences passed by himself—in which Cases it shall not be lawful for the Sitting Commissioner to attend the voting or the deliberations of the Court.

(1) Disallowed as being superseded by the Charter.—*Vide also Ordinance No. 30—1828, and No. 44, § 16.*

2d. And it is hereby enacted, That the Sitting Commissioner appointed as aforesaid, shall take cognizance of all Matters set forth in the 3d Section of the Crown Trial Articles, Nos. 91 and 92, as subject in Cape Town and the jurisdiction thereof to the decision of one Commissioner from the Court of Justice; That is to say—"All Misdemeanors, which are not subject to a more severe Punishment than Correction in the Public Prison, Temporary Imprisonment, Fines, and Confiscations, in those cases where the Law has positively prescribed the same, and all Transgressions of Penal Law, relative to the Public Revenue and Police. All complaints of Masters of Ships against their Seamen,—of Tradesmen and others against their Apprentices,—of Masters against their Servants, whether Freemen or Slaves, and *vice versa*; and further all complaints of Parents against their Children; and, in general, all complaints lodged with the Magistrate, not capable of amicable arrangement, or in which the Magistrate shall not be able to effect an amicable arrangement between the Parties, and in which cases the Public Interest requires that the Party complained of should receive correction proportionate to the Misdemeanor."

No. 18.
1826.

3d. And it is hereby enacted, That the Superintendant of Police, or, in his necessary absence, his Deputy, shall act as Public Prosecutor before the Sitting Commissioner; and the Proceedings before him shall be conducted, and Appeals from his Sentences shall be lodged and proceeded in, in the manner set forth in the 3d and 4th Sections of the Crown Trial, with respect to Cases subject to the cognizance of one Commissioner from the Court of Justice, or in such other more summary manner as the Sitting Commissioner, with the approval of the Court of Justice, and of the Governor, for the time being, in Council, shall hereafter direct; provided always, that no Appeal shall be allowed in cases where the Fine shall not exceed £ 5, or the period of imprisonment One Month.

4th. And it is hereby enacted, That all Persons apprehended by the Police in Cape Town, and the jurisdiction thereof, by Virtue of any Decree, Warrant, or otherwise, shall be brought with all convenient speed before the said Commissioner, whether at his Office or private dwelling, to be dealt with according to Law; and all Persons taken up at night, for Riot, Drunkenness, Vagrancy, suspicion of Criminal Designs, or otherwise apprehended by Virtue of any Law now existing, or hereafter to be enacted in this Colony, and lodged by the Police or Watchmen, in any Prison or Watch-House in Cape Town, or within the jurisdiction thereof,

No. 18 shall be brought before the said Commissioner, immediately
 1826. on the opening of his Office the next morning; and the Commissioner shall proceed forthwith to examine all such Persons, and shall decide in their respective cases according to Law, and shall, if necessary, commit them to Prison, or hold them to Bail for Trial on a future day, or for further examination, or shall discharge them, as to him shall seem fit; provided always, that any Person so committed for further examination, shall within six days from the time when such Person was first brought before the said Commissioner, be either tried or fully committed for Trial, or held to Bail, or altogether discharged; and provided always, that if there shall be brought before the said Commissioner, any Person or Persons accused of any Crime, the investigation of which, is not by this Ordinance assigned to him, but whom he shall nevertheless, upon grounds which shall appear to him sufficient, think fit, to commit to prison for examination before the competent Court, and which, in such cases, he is hereby authorised and required to do, he shall forthwith give notice of such committal to His Majesty's Fiscal, who is hereby required to take such further measures therein as the Law may direct; and provided further, that if any Persons shall be apprehended and lodged in any Prison or Watch-House in Cape Town, or the jurisdiction thereof, in the manner hereinbefore described, on the night of Saturday, or in the night preceding any Holiday on which the said Commissioner does not sit at his Office, it shall and may be lawful for him, and he is hereby required, to cause such Persons to be brought before him at an early hour of the next morning, either at his Private Dwelling, or at the Prison or Watch-House, as to him may seem fit, and after a summary examination of such Persons, to commit them until the next ensuing Court Day, or hold them to Bail, or discharge them as the case may require.

5th. And the said Commissioner is hereby authorised and required, to direct the Accuser or Prosecutor (not being the Public Prosecutor) of any Person whom he shall commit, or hold to Bail for Trial, as aforesaid, as likewise any Witness who, having been examined before the said Commissioner, has given Evidence which, in his opinion, may tend to the conviction of the Accused, to enter severally into a Recognizance, to prosecute or give Evidence, in such amount as the said Commissioner shall think fit, not exceeding the Sum of Twenty Pounds; and in case of Refusal so to do, to commit the said Accuser, or Witness, to Prison, for a period not exceeding Two Months.

6th. And it is hereby further enacted, That no Person shall, No. 18.
in any instance, be kept or detained in confinement by the 1826.
Police in Cape Town, or within the jurisdiction thereof, for
a longer period than Twenty-four Hours, under any circum-
stance or pretence whatsoever, without being brought before
the Sitting Commissioner, or other competent Magistrate,
to be dealt with according to Law, as aforesaid: And the
Sitting Commissioner is hereby authorised and required to
examine into any complaint that may be made before him,
of any Person or Persons detained in custody by the Officers
of Police for a longer period than Twenty-four Hours without
being brought up as aforesaid, or into any Complaints of
vexatious or frivolous Arrest by the same, and to punish the
Offenders by Fine not exceeding Five Pounds, or Imprison-
ment not exceeding Two Months, as to him shall seem fit.

7th. And it is hereby enacted, That the Sitting Commis-
sioner shall further have the Power heretofore exercised by
His Majesty's Fiscal, under the 95th Article of the Crown
Trial, Section 3d, of binding over to keep the Peace, in
the mode pointed out by that and the following Articles,
all such Persons whom he may have reason, upon information
on Oath, as therein specified, to suspect of future Misbehav-
iour tending to a Breach of the Peace within the jurisdic-
tion assigned to him.

8th. Provided always, and be it also enacted, That if any
Person, in consequence of an Order of the Sitting Commis-
sioner, binding him or her over to keep the Peace, feels
aggrieved by unjust Suspicion, or by the nature or extent
of the Security required, or by Committal in default thereof,
it shall be lawful for such Person to make application by
Memorial to the Court of Justice, setting forth his or her Griev-
ances, and requesting the Court to rescind or mitigate the
Order of the Sitting Commissioner—on the receipt of which,
the Court shall, after due investigation, decide therein as to
the Court shall seem meet; provided always, that the Order
of the Sitting Commissioner shall remain in full force and
effect until rescinded or mitigated by the Court.

9th. And whereas one of the Sitting Commissioners from
the Court of Justice is empowered by the 7th Article of the
Ordinance of His Excellency the Governor in Council, No.
12, of the 10th October 1825, to administer Oaths, and to
take voluntary Affidavits, it is hereby enacted, That the
permanent Sitting Commissioner shall have, and he is hereby
authorised and required to exercise a similar Power.

10th. And it is further enacted, That the permanent

No. 18 Sitting Commissioner shall sit daily, (Sundays and Government Holidays excepted,) from 10 o'clock A. M. until 4 o'clock P. M. unless prevented by sickness or other unavoidable cause ; and in case of such necessary absence of the Sitting Commissioner, it shall be lawful for the Governor, for the time being, of this Colony, to nominate some fit and proper Person to act for him, in the execution of the Powers and Authorities with which the said Sitting Commissioner is hereby invested ; and in case of any sudden emergency, when reference to the Governor as aforesaid cannot conveniently be made, it shall and may be lawful for another Member of the Court of Justice, to discharge the Duties of the permanent Sitting Commissioner, for a period not exceeding three days at any one time.

11th. And it is further enacted, That nothing herein contained, shall supersede the appointment of the two Sitting Commissioners from the Court of Justice, as regulated by the Crown Trial, nor the discharge by them of any of their Duties, whether sitting separately or together ; save and except, those Duties which are hereby transferred to the permanent Sitting Commissioner.

12th. And be it further enacted, That this Ordinance shall take effect, and be in force, in Fourteen Days from and after the date hereof.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, 29th May 1826.

By Command of His Honor the Lieutenant Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council.

No. 19.—Signed, Rich. Bourke.

Ordinance for improving the Condition of the Slaves at the Cape of Good Hope.⁽¹⁾

WHEREAS the propagation of Christianity, and the general diffusion of Religious Instruction amongst Slaves, will tend, beyond any other measure, to promote Morality amongst them, and to improve their condition and conduct: And whereas it is necessary that provision should be made for the regular attainment of these objects, within the Colony of the Cape of Good Hope and its Dependencies: And whereas the Inspector of Slave Registry hath hitherto acted as the Recorder of the Rights and Privileges of the Slave Population within the same;—It is hereby enacted and declared, That the said Inspector of Slave Registry shall be, and he is hereby appointed Registrar and Guardian of Slaves in this Colony and its Dependencies; and that, as such Registrar and Guardian of Slaves, he shall receive and be paid at the time and in the manner hereinafter mentioned, such Salary as His Majesty shall be pleased to appoint; and that such Salary shall commence from and after the First Day of July next: and that, on or before that day, if possible, or, if not, then so soon after as conveniently may be, the said Registrar and Guardian of Slaves shall appear before the Governor, or Acting Governor, for the time being, and in his presence shall take and subscribe an Oath, in the following words—that is to say:—

“ I, A. B. do swear, that I will, to the best of my
 “ knowledge and ability, faithfully execute and
 “ preform the Duties of the Office of Registrar and
 “ Guardian of Slaves at the Cape of Good Hope,
 “ without fear, favor, or partiality.

So help me God.’

Provided, nevertheless, and it is hereby ordered, that nothing herein contained shall extend to prevent His Majesty from disuniting the Office of Guardian of Slaves from the Office of Registrar of Slaves, and from appoint-

(1) Allowed by the Home Government, but repealed by Order in Council, 2 Feb. 1830.—Act 3 and 4, W. IV., c. 73, and Ordinance No. 1—1835.

No.19. ing a distinct and separate Officer to act as, and to be,
 1826. Guardian of Slaves, in case His Majesty should see fit so to do.

2d. And it is hereby further enacted, That the said Registrar and Guardian of Slaves shall establish and keep an Office in Cape Town, and shall regularly attend at such Office on such days, and during such hours of the day, as the Governor, or Acting Governor, by any general or special Orders to be by him from time to time issued, may appoint; and shall at such Office, and not elsewhere, keep, deposit, and preserve, the several Records, Books, Papers, and Writings, hereinafter directed to be kept by him.

3d. And it is further enacted, That the said Registrar and Guardian of Slaves shall not be the Owner or Proprietor of any Slaves or Slave employed or worked upon any Estate, or in any kind of Agriculture, and shall not have any share or Interest in, or any Mortgage or Security upon any such Estate, Slaves or Slave, and shall and is hereby declared to be incompetent to act as, or be the Manager, Overseer, Agent, or Attorney of, for or upon any such Estate; or to act as the Guardian, Trustee, or Executor, of any Person or Persons having or being entitled to any such Estate, or any Slaves or Slave:—And in case any such Registrar and Guardian of Slaves shall have, acquire, hold, or possess, either in his own right, or in right of his Wife, or in trust for any other Persons or Person, any such Estate situate within the Colony, or any Slaves or Slave employed or worked upon any Estate or in any kind of Agriculture, or any Share or Interest in, or any Mortgage or Security upon any such Estate or Slaves or Slave, or shall act as such Manager, Overseer, Agent, Attorney, Guardian, Trustee, or Executor, as aforesaid, he shall henceforth, *de facto*, cease to be such Registrar and Guardian of Slaves, and forfeit such his Salary, and some other fit and proper Person shall forthwith be appointed to succeed to the said Office; Provided, nevertheless, that all Acts which may be done by, or by the Order of any such Registrar and Guardian of Slaves, after any such avoidance as aforesaid of such his Office, and before the same shall, by Public Notice in the *Gazette* of the Colony, be declared void, shall be as valid and effectual

in the Law, as if no such avoidance of Office had occurred. No. 19.
1826.

4th. And it is further enacted, That the said Registrar and Guardian of Slaves shall be resident within the Colony, and shall not quit the same, without a Special Licence, to be granted for that purpose by His Majesty, through one of His Principal Secretaries of State, or by the Governor, or Acting Governor, for the time being, of the Colony; and no such Licence shall in any case be granted for any time exceeding Three Months, nor shall any such Licence be granted by any such Governor, or Acting Governor, as aforesaid, unless it shall be made to appear to him, on the Oath of some Medical Practitioner, that such absence is necessary for the recovery of the Health of the said Registrar and Guardian of Slaves.

5th. And it is further enacted, That upon the Death or Resignation of the said Registrar and Guardian of Slaves, or in event of his Sickness, or other bodily or mental incapacity, or during his temporary absence from the Colony, it shall be lawful for the Governor, or Acting Governor, to nominate, and appoint some other fit and proper Person to act as the Deputy for the said Registrar and Guardian of Slaves, until His Majesty's pleasure shall be known; and the said Deputy shall receive such allowance to be deducted from and out of the Salary of the said Registrar and Guardian of Slaves, as the Governor, or Acting Governor, for the time being, of the Colony, shall be pleased to appoint: Provided always, that no Person shall be appointed or be competent to act as such Deputy as aforesaid, who according to the provisions of this order, would be incompetent to act as the Registrar and Guardian of Slaves: Provided also, that the Registrar and Guardian of Slaves in the Colony, shall at all times perform his duty in Person, and not by Deputy, except only in cases in which the Governor, or the Acting Governor, of the said Colony, is hereinbefore authorised to appoint a Deputy for that purpose.

6th. And it is hereby further enacted, That the persons who now are, or may be hereafter appointed, to act as Registrars of Slaves, in the several Districts within the Colony, shall be so long as the two Offices of Registrar

No. 19. and Guardian of Slaves may be combined together and
 1826. they are hereby declared to be, Assistant Registrars and Guardians of Slaves, in their several and respective Districts, and the said Assistant Registrars and Guardians of Slaves, shall and are hereby required in their several and respective Districts, to be aiding and assisting the Registrar and Guardian of Slaves, in the execution of the powers hereby committed to him ; and for that purpose, to obey and carry into execution, such lawful Instructions as they may from time to time receive from him, about or in relation to the matters herein mentioned, or any of them.

7th. And it is hereby further enacted, That in all Actions, Suits, and Prosecutions, which may at any time hereafter be brought or commenced in any Tribunal or Court of Justice, within the Colony, wherein any Slaves may be charged with any offence punishable by Death, Banishment, or Transportation ; or wherein any question may arise as to the right of any alleged Slave to Freedom ; or wherein any Person may be charged with the Murder of any Slave, or with any offence against the person of any Slave ; or wherein any question may arise respecting the right of any Slave to any such Property as he or she is hereinafter declared competent to acquire, then, and in every such case, such Notice shall be given to the Registrar and Guardian of Slaves, or to his Assistants in the several Districts as the case may be, of every such Action, Suit, or Prosecution, as, according to the Law of the Colony, would be given to the said Slave, if he or she were of Free condition ; and the Registrar and Guardian of Slaves(or his Assistant, if in a Country District,) shall, and he is hereby required to attend the Trial or hearing, and all other the Proceedings in every such Action, Suit, or Prosecution, as the Guardian of such Slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of such Slave.

8th. And whereas His Majesty is anxious to make the most effectual Provision for the Religious Instruction, and the exercise of Religious Worship, of the Slaves in the Colony, it is hereby further ordered, That all Sunday Markets shall be abolished and prohibited, and be absolutely unlawful: Provided always, that nothing

herein contained, shall prevent any Individual from Selling Vegetables, Meat, or other Articles of Provision, on a Sunday, except during Divine Service: And it is further ordered, That no Slaves shall be deprived, by their Masters, of the right of attending at Church, or other Place of Religious Worship on Sundays, under a Penalty of Twenty Shillings for every such Offence unless justifiable cause can be shewn for such prevention.

9th. And it is hereby enacted, That Sunday being commanded in all Christian States to be a Day of Rest, it shall be illegal to procure, induce, or compel any Slave to perform or engage in any Labour, for the Profit of his or her Owner, Manager or Employer, on the Sabbath Day; or for any Slave to hire himself or herself to work, either to his or her Owner or Manager or to any other Person, on the Sabbath Day; and any Person so offending shall incur and become liable to a Fine, not exceeding Five Pounds Sterling, nor less than One Pound Sterling; Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any Work or Labour which any Slave may perform on Sunday, or the necessary Attendance upon the Person or in the Family of his or her Owner or Employer, or in the necessary and unavoidable preservation of the Cattle or Live Stock upon any Country Place: Provided, nevertheless, and it is hereby declared, that in case it shall be absolutely necessary for carrying on the indispensable Labours of the Field or the Vineyard, on pressing occasions, or for the preservation of the Crops or Produce upon any Plantation or Estate in the Colony, and for the prevention of essential injury to the same, to work and employ thereupon any Slaves or Slave, on the Sabbath Day; and if any such Slaves or Slave shall in any such special case, voluntarily consent and agree to work upon any such Plantation or Estate, for the purpose aforesaid, nothing in this Order contained doth extend, or shall be construed to extend, to prevent any such Slaves or Slave from hiring themselves, himself, or herself (either to his or her Owner, or to any other Person), to work upon any such Plantation or Estate, on the Sabbath Day: Provided always, that no such Slave shall or may lawfully be so hired to work on the Sabbath Day, in the Service of any Person or Per-

No. 19. sons, except their, his, or her Owner or Manager, unless
 1826. with the special consent in writing of such Owner or Manager: Provided also, that the Registrar and Guardian of Slaves shall, by Notices to be by him from time to time issued in the usual and most Public Manner, signify the lowest Rate of Wages at which Slaves may, during the period of Six Calendar Months next ensuing the Date of every such Notice, hire themselves, either to their respective Owners or with the consent of their respective Owners or Managers, to work on a Sunday, for the special purpose of the preservation of the Crops or Produce upon any Plantation or Estate in the Colony, in which Notices shall be stated the different Rates of such Wages payable to the Slaves so hiring themselves, according to the age and sex of such Slaves, and according as they may be Field Negroes or Artificers. And no hiring of any Slave for any such special purpose as aforesaid, shall be a Legal Hiring, or shall be exempted from the Penalties of this Ordinance, unless such Slave shall actually receive and be paid for his or her own use and benefit, Wages at not less than the Rate so to be fixed by any such Public Notice as aforesaid. And it is further declared, that nothing in this Ordinance contained shall extend, or be construed to extend, to prevent the Employment on Sunday of any Slave or Slaves as a Watchman or Watchmen, upon any Estate or Plantation, or in nursing or attendance on the Sick, or in attendance upon the Person, or in the Family of his or her Owner or Manager, or in performing or making preparations for any Interment, or in extinguishing any Fire, or otherwise in preventing any irreparable Damage or Injury to the Property of his or her Owner, Employer, or Manager; and no Slave so employed shall be entitled to any Hire or Wages for such his or her Services: Provided, nevertheless, that no Slave shall be employed on the Sabbath Day in Field Labour, or in any of the ordinary Works upon any Plantation or Estate, upon the pretence or by reason that any irreparable Injury would arise from the postponement of such Labour; unless such Slave shall voluntarily engage in the same, and shall for such his Labour receive and be paid such Hire and Wages as aforesaid.

10th. And it is hereby further enacted, That every No. 19.
Slave within this Colony and its Dependencies, as afore- 1826.
said, shall be supplied by his or her Owner or Manager
with sufficient and wholesome Food, and with good and
sufficient Clothing; and in case of dissatisfaction relating
thereto, appeal may be made by either party, to the
Local Authority; and in case of deficiency, or bad
quality of Food or Clothing being proved, then, and in
every such case, the Owner or Manager shall incur,
and be liable to, a Penalty of Fifty Shillings for the first
Offence, and of Five Pounds Sterling for a second
Offence; and in case, on the contrary, the Complaint
be proved to be unfounded and frivolous, the Com-
plainant shall be condemned to such legal Punishment
as the nature of the case shall be found to require.

11th. And it is hereby further enacted and declared,
That Slaves employed in Garden or Field Labour, shall
not be compelled to work more than Ten Hours, in each
Twenty-four Hours, from the 1st April, to the 30th
September, nor more than Twelve Hours, from the 1st
of October, to the 31st March inclusive, except during
Ploughing or Harvest Seasons, or on other extraordinary
occasions of unavoidable necessity: Provided always,
that during the Ploughing and Harvest Seasons, or in
cases of unavoidable necessity, a fair remuneration be
made to the Slave or Slaves, in Money or by an addi-
tional proportion of Food, at the option of the Slave,
to be decided, in case of appeal, by the Local Magis-
trate; and in case any Owner or Manager shall be
proved to have transgressed any of the Provisions of this
Clause, every such Owner or Manager shall be liable
to, and incur a Penalty, not exceeding Five Pounds
Sterling, nor less than One Pound Sterling.

12th. And it is further enacted, That it is, and shall
henceforth be illegal for any Proprietor, or any Person
employed by him or in his behalf, to inflict any Punish-
ment on a Male Slave, beyond Twenty-five Stripes in
one day, or with any Instrument of greater severity than
those which now are, or hereafter may be, ordered to
be used within the Prisons of the District where such
Proprietor or Slave may reside, which Punishment, is
not in any case to be repeated, until the Delinquent
shall have recovered from the effects of the former Cor-

No. 19. rection, under a Penalty, in breach of any of the Provisions of this Clause, not exceeding Ten Pounds Sterling, nor less than Five Pounds Sterling, for each offence.

13th. And it is further enacted, That from and after the publication of this Act, no Female Slave shall be liable to be publicly Flogged for any Offence; but all Female Slaves offending against any of the existing Laws of the Colony, in cases where their Proprietors, or Persons employed by them, or in their behalf, are authorised to interfere and decide, may be punished, if in health, by Solitary Confinement with or without Work, in any dry and proper place, for moderate periods, proportionate to their Offence, and in no case exceeding Three Days; or committing any Domestic Offence, by Whipping privately on the Shoulders, to such moderate extent as any Child of Free condition may be, and usually is punished and corrected in any School for the Education of Youth in the said Colony: Provided always, that the latter Punishment be not repeated within Twenty-four Hours, under a Penalty, in breach of any of the Provisions of this Clause, not exceeding Ten Pounds Sterling, nor less than Five Pounds Sterling, for each Offence.

14th. And it is further enacted, That it shall be illegal to inflict Domestic Punishment on a Slave, by any other hand than that of the Owner, Employer, or Overseer, (not being a Slave,) except in cases where the Owners or Employers (having no Free Persons in their employ,) are Females, or infirm, or suffering under disease, or are upwards of Sixty Years of Age under a Penalty not exceeding Ten Pounds Sterling nor less than Five Pounds Sterling to be paid for such Offence, by the Person who shall have caused such illegal punishment to be inflicted.

15th. And it is further enacted, That should it be necessary, for the security or safety of a Family or Individual, to put a Slave in Irons, the same shall be reported within Twenty-four Hours, to the nearest Local Authority, under a Penalty of Five Pounds Sterling, stating the cause and circumstances, under which such measure may be justified; and in default of such justification, the Owner, or Person or Persons employed by him, or in his behalf, shall be deemed guilty of Maltreat-

ment, and subject to such punishment as is prescribed by No. 19. clause 43 of this Ordinance. 1826.

16th. And it is hereby further enacted, That the Corpse of a Slave shall not be Interred without a Written Permission thereto being first obtained from the Local Authority, under whose immediate jurisdiction the Owner or employer for the time being resides; and any Owner, Manager or Employer of a Slave or Slaves, interring, or causing, or suffering a Corpse of any Slave in his service, to be Interred without such permission as aforesaid, shall be liable to, and incur a Penalty of not less than Five Pounds Sterling, and not exceeding Ten Pounds Sterling, or in cases where it is not possible to procure the assistance of the local Authority within Twenty-four Hours, it shall and may be lawful for such Owner, Manager or Employer of a Slave, to call in two Neighbours, who must certify in Writing, (to be Sworn to when required,) the apparent Age and Sex of the Slave, the state of the Body, and the probable cause of his or her Death; the Owner or Manager of such Slave, shall however, be obliged to forward the Certificate so obtained by him to the Local Authority without delay. But if it shall appear by Marks on the Corpse, or from any other circumstances, that the Deceased has come to his or her Death by unfair means, the said Certificate shall be withheld, and a Report thereof be immediately made to the nearest Local Authority by the Person so called in.

17th. And it is hereby enacted, That upon the prosecution of any Person, being the Owner, or Acting in the name or in behalf of the Owner of any Slave or Slaves, for inflicting, or causing, or procuring to be inflicted on any Slave or Slaves, any punishment hereby declared illegal, if the Slave so alleged to be illegally punished, shall be produced in any competent Court of Justice in the Colony, and if the Marks or Traces of recent Flogging or Laceration, shall appear on the Person of such Slave, and if such Slave shall, in open Court, declare such Traces to be the consequences of any such unlawful punishment or correction, and being duly examined by such Court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, and in every such case, the Owner or other Person having the charge of such Slave, shall

No. 19. be bound to prove, either that the punishment of which
 1826. the Marks may be so apparent, was not inflicted by him or by his procurement, or with his knowledge or consent, or that such punishment was a lawful punishment within the meaning of this Order; and in default of such proof, such Owner or other Person as aforesaid, shall be convicted and adjudged to be guilty of the Offence imputed to him. And it is further enacted, That every such prosecution as aforesaid, shall be conducted by the Registrar and Guardian of Slaves, or by His Assistant, if in the Country Districts, and that it shall not be lawful for him or his Assistant to discontinue any such prosecution, except by virtue of an Order in Writing, to be for that purpose issued, under his Hand and Seal, by the Governor, or Acting Governor, for the time being, of the Colony. But should the complaint of such Slave prove groundless, the Slave shall be condemned to such legal punishment, as the nature of the case may require.

18th. And it is further enacted and declared, That Slaves who are not in the prohibited degrees of consanguinity, or affinity, may intermarry with their Owners' (or respective Owners') consent, had in writing and delivered to the Local Authority; and that the Children of such Marriages shall be the Property of the Owner of the Mother; the same to hold good with regard to Slaves of either Sex intermarrying with Free Persons, in which case also, when the wife is a Slave, the Children of such Marriage shall belong to her Owner.

19th. And it is further enacted, That the consent, in writing, of the Owner or Manager, or the respective Owners, Proprietors, or Managers, (as the case may be,) transmitted to the Clergyman, through the Local Authority, shall supersede the necessity of being asked in the church, or of appearing before the Matrimonial Court, to legalize the Marriages of Slaves; and the respective Local Authorities shall be responsible that all Marriages between Slaves are without delay enregistered, as all other Marriages are; and that a Notification of the Marriage be made to the Registrar and Guardian of Slaves, or to his Assistants in the Country Districts, as the case may be.

20th. And it is hereby further enacted, and declared,

That Slave Marriages shall be celebrated in the church on No. 19. Sundays, where the Locality will permit,—and that in 1826. other cases, the Clergymen shall once in Six Months appoint the most convenient Places in their respective Districts, for the purpose of marrying Slaves, and baptizing Slave Children, so as to remove the inconvenience arising from remote habitations ; which Marriages it shall be lawful for the Clergymen to solemnize, upon receiving the written consent of the Owner or Manager, through the Local Authority, as above directed ; or, in case such written consent has been refused by the Owner, Proprietor, or Manager, upon a Licence of the Registrar and Guardian of Slaves, or his Assistants in the respective Country Districts, as the case may be, as directed in the Clause next following. And all Marriages of Slaves and the Baptism of their Children, shall be performed without Fee or Reward.

21st. And it is hereby further enacted That in case the Owner or Manager of both, or either of the Slaves as aforesaid who may be desirous to intermarry, shall refuse to consent to such Marriage, or to give such written Permission for the celebration thereof as aforesaid, then and in every such case, if the Slave to be married has attained (when a Female) the age of Fifteen Years, and when a Male, the age of Twenty Years, the said Registrar and Guardian of Slaves, or his Assistant in the respective Country Districts, as the case may be, shall thereupon issue a Summons under his Hand and Seal, requiring the Owner or Manager of such Slaves, or the Persons or Person under whose direction such Slaves may be, to appear before him, by themselves or their Agents, at some convenient time and place, to be for that purpose appointed ; and if such Owner, Manager, or other person as aforesaid, being duly cited, shall fail to appear, or appearing shall fail to give good and sufficient proof that such proposed Marriage would be injurious to the well-being of such Slaves, then and in such case the said Registrar and Guardian of Slaves, or his Assistant in the respective Country Districts as the case may be, shall, without Fee or Reward, issue a Licence under his Hand and Seal, thereby authorising any Clergyman, Minister or Public Teacher of Religion, within the said Colony, having a Licence from Government to that effect, to solemnize the Marriage of the said Slaves ; and any Marriage so solemnized shall to all intents and purposes be binding, valid, and effectual in Law ; and any Clergyman, Minister or Public Teacher of Religion, within the said

No. 19 Colony, having a Licence from Government to that effect, by 1826, whom any such Marriage shall have been solemnized, shall, within fourteen days next after the solemnization, transmit a Certificate thereof to the Local Authority, in order to be registered in the Records of the respective Matrimonial Courts, as all other Marriages are; and that a notification of the Marriage be made to the Registrar and Guardian of Slaves, or to his Assistants in the respective Country Districts, as the case may be, where separate Books must be kept for the Registry of all Slave Marriages.

22d. And it is further enacted, That after the celebration of Marriage it shall not be lawful to sell any Slave having a Husband or Wife, who may be the property of the same persons or person, unless such Husband and wife shall be sold together, and in one and the same Lot, and to the same person or persons; and if any Slave or Slaves shall be sold separate or apart from any such Husband or Wife as aforesaid, then and in every such case such Sale shall be, and the same is hereby declared to be, absolutely null in Law, to all intents and purposes whatsoever.

23d. And it is further enacted, That it shall not be lawful to sell any Child or Children, born of a Slave Woman, within the said Colony, without his, her, or their Mother, unless such Child or Children shall have fully attained the age of Ten Years, or unless good and sufficient proof shall have been given to the Court of Justice, through the Registrar and Guardian of Slaves, that it would be for the well-being of such Child or Children not to be sold along with his, her, or their Mother.

24th. And it is further enacted, That any Owner or Proprietor neglecting to cause the Children of their Christian Slaves to be baptized within Twelve Months after the Birth of such Children, and to report it within One Month after Baptism to the Registrar and Guardian of Slaves, or to his Assistants in the respective Country Districts, as the case may be, shall incur and be liable to a penalty of not less than Fifty Shillings, and not exceeding Ten Pounds Sterling, for each Offence, and shall nevertheless be compelled to have such Child or Children baptized at his own Expense.

25th. And it is hereby enacted, That the Clergymen, or Persons duly authorised to administer that Holy Sacrament, shall report Quarterly to the Registrar and Guardian of Slaves, or to his Assistants in the respective Country Districts as the case may be, all Baptisms of Slaves solemnized by them.

26th. And it is further enacted, That Christian Slave Owners No. 19.
or Employers residing in Cape Town and other Towns and 1826.
Villages, and their immediate vicinity, in the Colony, where
Free schools are or may be established, shall send their Slave
Children, above three years and under ten years of age, at
least Three Days in each week, to any such Free Schools;
and those whose Residence will not permit them to afford this
consoling advantage to their Slave Children, are earnestly
recommended and invited to avail themselves of any other
Means which may offer within their reach for giving them
Instruction.

27th. And it is hereby further enacted, That separate
Books shall be kept in the Offices of the Registrar and
Guardian of Slaves, and of his Assistants in the respective
Country Districts, of all Baptized Slaves, specifying their
Ages, Sex, Date of Baptism, and by whom baptized.

28th. And it is hereby further enacted and declared, That
no Person in the Colony, being in a state of Slavery, shall be,
or be deemed or taken to be, by reason or on account of such
his or her condition, incompetent to purchase, acquire, possess,
hold, enjoy, alienate or dispose of property; but every such
Slave shall, and is hereby declared to be competent to
purchase, acquire, possess, hold, enjoy, alienate and dispose of
Lands situate in the Colony, or Money, Cattle, Implements or
Utensils of Husbandry, or Household Furniture, or other
Effects of such or the like nature, of what Value or Amount
soever, and to bring, maintain, prosecute, and defend any
Suit or Action in any Court of Justice, for or in respect of
any such Property, as fully and amply, to all intents and
purposes, as if he or she were of Free Condition.

29th. And whereas a Saving Bank is already established
in the Colony, and it is expedient that Provision should be
made for giving the fullest effect to the same, it is hereby
enacted, That Interest at and after the rate of Four per
Centum per Annum shall be allowed upon the Amount of
every Sum of Money (not less than Twenty five Shillings)
which may be deposited in any Saving Bank; which Interest
shall be a Charge upon the General Revenues of the Colony:
And any Slave making any Deposit of Money in any such
Saving Bank, shall be at liberty to make a Declaration of the
Manner in which, and the Names of the Person or Persons to
whom, in the event of his or her Death, the Amount of his or
her Contributions to the said Saving Bank shall be paid, ap-
plied, and disposed of; and such Declaration shall be recorded
in a Book to be kept for that purpose at the Saving Bank

No.19. where such Deposit may be made ; and upon the Death of the
 1826. Slave making such Declaration, the same shall, in the absence of any other Last Will, be deemed and taken to be the Last Will and Testament of such Slave, under the direction of the Orphan Chamber, in as far as regards the Collection, Preservation, and Distribution thereof; the same to be free from all manner of Charge, Fee, or Duty: And in case any such Slave shall marry after having made any such Declaration, such Marriage shall be, and be deemed and taken to be, a Revocation, in the Law, of such Declaration.—And it is further enacted, That in case any Slaves or Slave in the Colony shall die intestate, and without having made any such Declaration as aforesaid, which may remain unrevoked at the time of his Death, then and in every such case, the Property of such Slave shall go and be disposed of by the Orphan Chamber, to and in favour of such Persons or Person, as by virtue of the Laws of the Colony, then in force, may be entitled to any such Property.—And it is further ordered, That in case any Slaves or Slave die intestate, and without having made such Declaration as aforesaid, and have no Relations entitled to their Succession, then and in every such case the Property shall be paid by the Orphan Chamber into a Fund formed in the Colony, for the Purchase of such Female Slave Children, as shall appear to the Committee, appointed by Proclamation of the 18th March 1823, to manage that Fund, to be most deserving of such Consideration ; and the Price to be paid for any Female Slave or Slaves, whose Freedom may be thus purchased, shall be fixed according to their actual Value, by two Arbitrators, after being duly sworn to act impartially—one to be chosen by the Owner of the Slave, and the other by the Registrar and Guardian of Slaves, with Power to the Court of Justice to name an Umpire in case of difference, who shall be duly sworn for that purpose, and whose Award shall be final.

30th. And it is further enacted, That the Saving Banks throughout the Colony shall, as far as the Deposits of Slaves are concerned, and for which distinct Books shall be kept, be under and subject to the Control and Inspection of the Registrar and Guardian of Slaves, or his Assistants in the respective country Districts, as the case may be,—and that the Governor, or Acting Governor for the time being, shall be, and he is hereby authorised to appoint such proper and necessary Officers, and to make such Rules and Regulations, as may be best adapted for managing the business of the said Banks, and for ensuring Order and punctuality therein, and for preventing any misapplication of the Monies therein

to be deposited : Provided that such Rules and Regulations No. 19.
 be not repugnant to this present Ordinance ; and that the 1826.
 same be forthwith transmitted for His Majesty's Approbation
 through one of His Majesty's Principal Secretaries of State.

31st. And it is hereby further enacted, That no Deposit of Money shall at any one time, or within any one week, be received at any of the said Saving Banks from any Slave exceeding the sum of Fifty Shillings in the whole, unless, such Slave, at the time of tendering any such Deposit, shall produce the Consent in writing of his Owner or Manager, to such Deposit being made ; and in case any Slave shall be desirous at any one time, or in any one week, to make any such Deposit of Money, exceeding the sum of Fifty Shillings, and the Owner or Manager of such Slave shall refuse his Consent to such Deposit being made, then and in every such case, the Registrar and Guardian of Slaves, or his Assistant, in the respective Country Districts, as the case may be, shall, upon application made to him for that purpose, issue a Summons under his Hand and Seal, requiring the Owner or Manager of such Slave, or the Persons under whose direction such Slave may be, to appear before him, by themselves or their Agents, at some convenient time and place, to be for that purpose appointed ; and if such Owner or Manager, or other Person as aforesaid, being duly cited, shall fail to appear before the said Registrar and Guardian of Slaves, or his Assistant in the respective Country Districts, as the case may be, or appearing, shall fail to lay before him good and sufficient cause why such Deposit ought not to be made, then, and in every such case, the said Registrar and Guardian of Slaves, or his Assistant in the respective Country Districts, as the case may be, shall issue an Order, under his Hand and Seal, requiring the Manager of the Saving Bank, to receive the amount of such Deposit, and the same shall be received by him accordingly.

32d. And it is further enacted, That no Duty, Tax, or Impost, of any nature or kind whatsoever, and that no Fee of Office, shall be hereafter paid or payable within the said Colony, upon, for, or on account, or in respect of the Manumission of any Slave, or the enrolment or registration of any Deed of Manumission ; and if any Person within the said Colony, shall hereafter take, demand, or receive any such Tax, Duty, Impost, or Fee of Office, the Person so offending, shall incur and become liable to the payment of a Fine, not exceeding Twenty Pounds Sterling, and not less than Five Pounds Sterling.

No. 19. 33d. And it is hereby further enacted, That in case any
 1826. Slave within the said Colony, shall be desirous to purchase the Freedom of him or herself, or of his or her Wife or Husband, or Child, or Brother, or Sister, it shall and may be lawful, to and for any such Slave to purchase the Freedom of himself or herself, or of any such other Person as aforesaid: Provided always, that every such Slave, who shall be desirous so to purchase the Freedom of himself or herself, or any such Person as aforesaid, shall be able to prove, and shall actually have proved, to the satisfaction of the Registrar and Guardian of Slaves, or of his Assistant in the respective Country Districts, that the Money or other Property by which he or she has been enabled to make such purchase, has been acquired by him or her by lawful means; and if under such *proviso*, the Owner of any such Slave shall be unwilling to effect his or her Manumission, or shall, by reason of any Mortgage, or other charge upon or interest in such Slave being vested in any other Person or Persons, be unable to execute a valid and effectual Manumission of such Slave, or if the Owner or any other Person having an Interest in any such Slave, shall be a Minor, or a Married Woman, or Idiot, or Lunatic, or if the real and true Owner of any such Slave shall be absent from the Colony, or shall not be known, or if any Suit, or Action shall be pending in any Court of Justice in the Colony, wherein the Title of the said Slave or the right to his or her Services shall or may be in controversy, or if the Owner of any such Slave shall demand, as the price of his or her Freedom, a greater Sum of Money than may be the fair and just value thereof, then, and in each, and every of the cases aforesaid, the Court of Justice of the Colony, on application made to it for that purpose by the Registrar and Guardian of Slaves, shall issue a Summons under their Hands and the Seal of the Court, requiring the Owner or Manager of such Slave, or the Persons or Person under whose direction such Slave may be, to appear before it by themselves or their Agents, at some convenient time and place, to be for that purpose appointed; and Notice shall also be published by the said Registrar and Guardian of Slaves, in the *Public Gazette* of the Colony, on Three several Days, of the time and place appointed for the purpose aforesaid; and in such Notice, all Persons having, or claiming to have, any Title or Interest in, or to, the Slave proposed to be manumitted, either in their own right, or as the Guardians, Attorney, Trustees, or Executors of any other Person, shall be required to attend and prefer such Claim.

34th. And it is hereby further enacted, That at the time

appointed for any such Meeting as aforesaid, the Court of Justice of the Colony, in the presence of the Registrar and Guardian of Slaves, and also in the presence of the Owner or his Representatives, or Manager of the Slaves or Slave proposed to be manumitted; or upon proof being made to it on Oath, of the due Service and Publication of such Notice as aforesaid, then, if necessary, in the absence of such Owner or Manager, shall proceed to hear, in a summary way, what may be alleged by the Registrar and Guardian of Slaves, and by the Owner or Manager, or other Persons claiming any Interest in the Slave proposed to be manumitted; and in case the Parties, or any of them, shall refuse to effect any such Manumission; or if it shall appear to the said Court, that a valid and effectual Manumission of any such Slave cannot legally be effected by Private Contract; or if it shall be made to appear to the said Court, that the Owner of any such Slave, or that any Person having any Charge upon, or Interest in, him or her, is a Minor or a Married Woman, or Idiot or Lunatic; or that the real and true Owner of any such Slave, or that any Person having any Charge upon, or Interest in, him or her, is absent from the Colony, or is unknown, or cannot be found; or that any Suit or Action is pending in any Court of Justice in the said Colony, wherein the title to the said Slave, or the right to his Services, is in Controversy; or if it shall appear to the said Court, that any difference of opinion exists between the Registrar and Guardian of Slaves in the Colony, and the Owner of any such Slave, respecting his or her Price or Value—then, and in every such case, the said Court shall require the Registrar and Guardian of Slaves, and the Owner, Manager, or Person having the direction of any such Slave, each to nominate an Appraiser of his or her Value; and the said Appraiser being first duly sworn before the said Court to make a fair and impartial Appraisalment, shall, within seven days next after such their appointment, make a joint Valuation of the Slave proposed to be manumitted and certify such their Valuation to the said Court, under their Hands and Seals: And in case such joint Certificate shall not be delivered to the said Court within the said term of seven days, then the said Court shall itself nominate an Umpire between such Appraisers; and the said Umpire being duly sworn, shall, within the next seven days, certify his Valuation, under his Hand and Seal, to the said Court, and the Valuation to be made in manner aforesaid, either by the said joint Appraisers, or in their default, by the said Umpire, shall be binding and conclusive, and shall be entered and enrolled in the Office of Slave Registry, of the Colony.

No.19.
1826.

No. 19. 35th. And it is hereby further enacted, That upon payment 1826. to the Receiver-General or Treasurer of the Colony of the appraised value of any such Slave as aforesaid, after deducting therefrom the Expense of the Appraisement to be allowed by the said Court, the said Receiver-General, or Treasurer, shall grant to the Registrar and Guardian of Slaves a Receipt for the Money so to be received by him; and such Receipt shall be duly enrolled in the Office of Slave Registry in the Colony, together with a Declaration under the Hand and Seal of the said Court, that the Proceedings required by Law for the Manumission of the Slave, by or on behalf of whom such Money was paid, had been duly laid before it, and thereupon such Slave shall be, and be deemed taken and reputed to be, Free, to all intents and purposes whatsoever.

36th. And it is hereby enacted, That in all cases where such Appraisement shall be made by reason of the refusal of the Owner or Owners of any such Slave to effect his or her Manumission, or by reason of any difference of opinion between the Registrar and Guardian of Slaves and the Owner or Proprietor of any such Slave, respecting his or her Price or Value, the Expenses of such Appraisement shall be equally borne by, and divided between, such Owner or Proprietor and the Slave proposed to be manumitted. And in all cases where such Appraisement shall be made by reason of the inability of the Owner or Proprietor to effect a valid Manumission by private Contract; or by reason of the Minority, Coverture, Idiocy, or Lunacy of such Owner or proprietor: or by reason of the absence from the Colony of any such Owner or Proprietor, or other Person having a charge upon the said Slave: or by reason that any such Owner or Proprietor is unknown, or cannot be found, or by reason of the pendency in any Court of Justice in the Colony of any Suit or Action wherein the title to the said Slave, or the Right to his or her Services is in Controversy; then, and in all such cases, the Expenses of the said Appraisement shall be equally divided between the Slave proposed to be manumitted and the Owner or proprietor, or other Persons having any charge upon, or interest in, him or her; and such last-mentioned Moiety of the said Expenses shall be deducted from the Money arising from the Manumission of the Slave, before the investment thereof in the manner directed in and by this Ordinance.

37th. And it is further enacted, That the Money to arise from the Manumission of any Slave, by virtue of the Proceedings before-mentioned, shall and may be laid out and invested, under the Authority of the Court of Justice, on the application

of any Person or Persons interested therein, in the Purchase No. 19.
 of any other Slave or Slaves: or if no such application be 1826.
 made, then such Money shall remain in the hands of the
 Receiver- General, or Treasurer of the Colony, and shall be
 the Property of the persons who were the Proprietors of such
 manumitted Slave or Slaves, and shall be held upon, under,
 and subject to, all such and the same Uses, Trusts, Limitations,
 Conditions, Mortgages, Claims and Demands of what nature
 or kind soever, as such Slave or Slaves was or were held
 upon, under or subject unto, at such the time of his, her, or
 their Manumission: And the said Receiver General, or Treas-
 urer, shall hold the said Money, subject to such orders as
 the said Court of Justice may, upon a summary application
 of any Person interested therein, see fit to make; and such
 Money shall, by the said Receiver-General, or Treasurer, be
 paid, applied, and disposed of, in pursuance of and obedience
 to, any such Order.

38th. And it is hereby further enacted, That before the
 Manumission of any Slave, by Virtue of any Private Contract
 for that purpose, between such Slave and his Owner, notice
 of such intended Manumission shall, by the Owner of such
 Slave, be given in writing, to the Registrar and Guardian of
 Slaves, who, on behalf of the said Slave, shall be bound to
 ascertain, that such Owner has good right and title in the Law,
 and is competent to effect such Manumission; and the said
 Registrar and Guardian of Slaves shall also, without Fee or
 Reward, prepare the proper Deed of Manumission, and the
 same shall, in all cases, be executed in the presence of the said
 Registrar and Guardian of Slaves, or of some proper Witness,
 to be by him appointed for that purpose; and being so executed,
 shall by such Registrar and Guardian of Slaves, be enrolled
 in the Office of Slave Registry, in the Colony, within one Cal-
 endar Month next after the date and execution thereof; and in
 case any such Deed shall not be Registered at the said Office
 of Registry, within the said period of one Calendar Month,
 the said Registrar and Guardian of Slaves shall incur, and
 be liable to the payment of a Fine, not exceeding Fifty
 Pounds Sterling, nor less than Ten Pounds Sterling, such
 Fines to be sued for, and recoverable by His Majesty's Fiscal,
 in the Full Court of Justice.

39th. And whereas, by the Usages in the Courts of Judi-
 cature in the Colony, Persons in a state of Slavery have
 hitherto been reputed competent, in Law, to be admitted as
 Witnesses in Criminal Cases, as well as in Civil Proceedings;
 and whereas it is expedient, that the said Custom should be
 recognized and established by Law, it is therefore enacted

No. 19. and declared, That no Person shall henceforth be rejected as
 1826. a Witness, or considered as incompetent to give Evidence, in any Court of Civil or Criminal Justice in the Colony, by reason of his or her being in a state of Slavery, if such Witness be sufficiently instructed in the principles of Religion, to understand the nature and obligation of an Oath: Provided, nevertheless, that no Person being in a state of Slavery, shall be admitted to give Evidence in any Civil Suit or Action, in which his or her Owner is directly concerned; and provided also, that nothing herein contained, shall extend to take away or diminish any power and authority, which any Court of Criminal Jurisdiction in the Colony now hath to admit in any Case, the Evidence of Persons being in a state of Slavery: Provided also, that nothing herein contained, shall extend, or be construed to extend, to render any Slave a competent Witness in any Case, in which such Slave would be incompetent to give Evidence, if he or she were of Free condition.

40th. And it is hereby further enacted, That the Salary of the Registrar and Guardian of Slaves. shall, by him, be taken and received in lieu, and in full satisfaction, of all Fees, Perquisites of Office, Advantages and Emoluments whatsoever; and that if he the said Registrar and Guardian of Slaves, shall take or receive, directly or indirectly, any Fee, Perquisite of Office, Advantage or Emolument, other than his said Salary, for and in respect to any act, matter or thing done or performed by him, in the execution of such his Office, he shall incur, and become liable to the payment of a Fine, equal to twice the amount of what he may so receive, and shall moreover, become disqualified from holding such his Office.

41st. And it is hereby further enacted, that the said Registrar and Guardian of Slaves, shall, on the first Monday next after the 25th Day of December, and on the first Monday next after the 24th Day of June, in each Year, deliver to the Governor or Acting Governor for the time being, of the Colony, a Report in Writing, exhibiting an account of the manner in which the Duties of such his Office, have been performed during the half year next preceding the date of such his Report; and especially stating the number of the Actions, Suits, and Prosecutions, in which he may have acted as the Guardian of any Slave or Slaves, with the dates and effect of all the Proceedings therein, and the particulars of all the Returns, which, by Virtue of this Ordinance, may have been made to him by the Assistant Registrars and Guardians of Slaves, within the Colony; and the names of

the Persons, if any, against whom any Criminal Prosecution No. 19.
may have been instituted, under and by Virtue of this Ordinance, together with the number of Licences, which may by him have been granted for the Marriage of any Slaves, with the number of Marriages appearing to have been solemnized in pursuance thereof, together with the amount of the Sums of Money deposited in the Saving Banks, in the said Colony; and also, a statement of the names of all the Slaves Manumitted under the Authority of this present Ordinance; and the Governor, or Acting Governor, for the time being, of the Colony, shall thereupon, administer to the said Registrar and Guardian of Slaves, an Oath, that such Report contains a true and accurate Statement of the several matters and things therein referred to; and when, and so soon as the said Registrar and Guardian of Slaves shall have made such his half yearly Report. and shall, in manner aforesaid, have been Sworn to the truth thereof, then, and not before, the said Governor, or Acting Governor, shall issue to the said Registrar and Guardian of Slaves, a Warrant for the amount of his Salary, to be paid half yearly, for the half year next preceding the date of such Report; and the said Governor, or Acting Governor, shall, and he is hereby required, by the first convenient opportunity, to transmit such Report as aforesaid, to His Majesty's Principal Secretary of State, having the Department of the Colonies.

42d. And it is further enacted, That if the Registrar and Guardian of Slaves, or any of his Assistants in the several Districts of the Colony, or any other Person, shall wilfully and fraudulently make, or cause or procure to be made, any Erasure or Interlineation in any of the Books, Records, or Returns, or shall wilfully make, or cause or procure to be made, any false Entry in any such Book, Record, or Return, or shall wilfully and fraudulently burn, cancel, or obliterate the same, or any of them, or any part thereof, the Person or Persons so offending, shall be liable to the payment of a Fine, not exceeding One Hundred Pounds Sterling, and not less than Fifty Pounds Sterling, and shall be disqualified from holding any such Office: And the said Penalties shall be sued for, if in the case of the Registrar and Guardian of Slaves, by His Majesty's Fiscal, in the Full Court of Justice; and if in the case of any of the Assistants of the said Registrar in the Country Districts, by the respective Public Prosecutors, before the several Boards of Landdrosts and Heemraden.

43d. And it is further enacted, that Maltreatment of a Slave by the Proprietor, not attended with Death, shall be punished by Fine, Imprisonment, Banishment, or other

No. 19. Sentence of the Law, by any of the competent Courts
1826. in the Colony, according to the nature of the Case, and the degree of Cruelty exercised, and the Slave so maltreated shall be publicly sold for the account of the Owner; but under special condition of never coming again into his power, or into that of his Parents, Children, Brothers, or Sisters: And in case any Person shall be convicted of any cruel and unlawful Punishment to any Slave, the said Courts shall, and are hereby authorised, at their discretion, to declare the Right and Interest of the Person so convicted, in and to any such Slave, to be absolutely forfeited to His Majesty: But when the Maltreatment of a Slave has been attended with Death, the Court in giving Judgement, shall be guided by the Law applicable to Homicide.

44th. And it is further enacted, That if any Person shall be twice convicted before any Tribunal in the Colony, of inflicting upon any Slave or Slaves any cruel and unlawful Punishment within the meaning of the preceding Section of this Ordinance, the Person so convicted shall, in addition to the Penalties thereinbefore mentioned, be declared by the Court before which such second Conviction may take place, absolutely incapable, in the Law, to be the Owner, or to act as the Manager, Overseer, or Superintendant of any Slaves or Slave within the Colony: And all and every the Slaves or Slave, of which, at the time of such second Conviction, any such Person may be the Owner, shall be publicly sold for his account, under special condition of never coming into the power or under the control of his Parents, Children, Brothers, or Sisters.

45th. And it is further enacted, That Maltreatment of a Slave by the Overseer or Representative of the Owner or Proprietor, or by any other Individual, not being the Owner or Proprietor of such Slave, shall be punished as if the same had been inflicted on a Free Person, placed under the superintendence or directions of such Overseer, Representative, or other Individual.

46th. And it is further enacted, That all Complaints shall be brought, and all Penalties incurred under the provisions of this Ordinance, shall be sued for and recovered (except where otherwise directed by the same), if in the Country Districts, before the several Boards of Landdrost or Resident and Commissioned Heemraden; and if in Cape Town and the District thereof, before the Permanent Sitting Commissioner; and on recovery, shall be disposed of as follows, viz: One-third to the Informer, and Two-thirds to the Fund specified in Clause 29 of this Ordinance, for purchasing the Freedom of Female Slave Children.

47th. And whereas by the Provisions of this Ordinance, No. 19. for the Improvement of the Condition of the Slaves in the Colony, it is not intended to infringe on the lawful Rights of their Owners to the Property in their Slaves, or of any other Person or Persons interested in their Value, it is hereby declared, That none of the said Provisions shall be deemed to affect in any degree the lawful Right of Property of the Owners in their Slaves, or any just Claims to their Services. 1826.

48th. And it is hereby further enacted and declared, That whenever any Slave or Slaves, or any Right or Interest in any Slave or Slaves, shall, upon the Conviction of any Person or Persons, in the manner in this Ordinance mentioned, become forfeited to His Majesty, His Heirs and Successors, such Forfeiture shall not be carried into effect by the actual Seizure or Sale of the Property so forfeited, until the Particulars and Circumstances of the Case shall have been reported to His Majesty through one of His Principal Secretaries of State, and until His Majesty shall have signified His Royal Pleasure therein : Provided, that Pending any such Reference to His Majesty, such forfeited Property shall be, and remain, legally vested in Him, subject to be divested in case His Majesty shall be graciously pleased to remit any such Forfeiture.

49th. And it is further enacted and declared, That no such Forfeiture as aforesaid to His Majesty, of any Slave or Slaves, or of any Right or Interest in any Slave or Slaves, shall, or according to the true intent and meaning of this Ordinance doth in any way diminish, affect, or take away, the Right or Interest of any Person or Persons to, or in, any such Slave or Slaves, other than and except the Person or Persons, upon the conviction of whom any such Forfeiture may be incurred.

50th. And it is further enacted, That this Ordinance shall take effect, and be in force from and after the 1st day of August next.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, 19th June 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council.

No. 20.—Rich. Bourke.

*Ordinance for abolishing the Office of Wine Taster
and for relieving the Exporters of Wine from the
Duties levied therein* ⁽¹⁾

WHEREAS it is expedient to discontinue the establishment of the Office of Wine Taster, and to relieve the Exporters of Wine from the Duties levied therein, it is hereby enacted and declared, That the Proclamation of the 19th December 1811—the Government Advertisement of 3d Feb. 1812—the Instructions issued on the 10th Feb. 1812—and the Proclamations of 24th September 1813 and 27 February 1818, shall be, and they are hereby repealed.

And it is further enacted, That the Duty of Two Rix-dollars per Leaguer for Tasting all Wines for Exportation, and the Duty of Two Skillings per Leaguer for Gauging the same shall cease and determine from the date hereof.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King!

Given at the Cape of Good Hope, this 3d July 1826.

By Command of His Honor the Lieut. Governor.

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council.

No. 21.—Signed, Rich. Bourke.

*Ordinance for declaring the Mode of Publication of
the Ordinances of the Governor in Council of this
Colony.* ⁽²⁾

WHEREAS it is provided by the Instructions of His Majesty's Secretary of State, consequent to His Majesty's Orders, issued by and with the advice of His Privy Council, under date the 9th February 1825, by

⁽¹⁾ Allowed by the Home Government, but repealed by Order of the King in Council, dated 22d Feb. 1832.

⁽²⁾ Allowed by the Home Government.

which the Honorable the Council of this Colony is No. 21.
 established, that on the passing of an Ordinance of the 1826.
 Governor in Council, it shall be forthwith transmitted
 for Enrolment to the Worshipful the Court of Justice;
 Be it therefore enacted and declared, That the Trans-
 mission of an Ordinance, after the passing thereof, to
 the Worshipful the Court of Justice as aforesaid, to-
 gether with the Printing thereof in the Government
 Gazette, or the promulgation thereof in such other
 public manner as the Governor and Council shall direct
 or appoint, shall be in Law a sufficient Publication of
 the same, to all intents and purposes whatsoever—any
 Law, Usage, or Custom to the contrary notwithstanding.

God save the King!

Given at the Cape of Good Hope, 24th August 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed)

R. Plasket, Secretary to Gov.

By Order of the Council,

(Signed)

D. M. Perceval, Clerk of the Council.

No. 22.—Signed Rich. Bourke.

*Ordinance for defining the Offence of Petty Theft,
 and regulating the manner of the Prosecution
 thereof. (1)*

WHEREAS doubts have arisen as to the competent
 Tribunals for the Trial of the Offence commonly called
 "Petty Theft," which according to the usage of this
 Colony is not subject to a more severe punishment than
 Correction in the Public Prison and temporary Imprisonment,
 and which has hitherto been usually tried
 before two Commissioners from the Court of Justice,
 under the provisions contained in the 2nd Section of the
 Crown Trial; and whereas the due administration of
 Justice requires, that such Cases should be summarily
 decided: Be it therefore hereby enacted, That from
 and after the passing of this Ordinance, in all
 cases of simple Theft, where the value of the stolen
 Property shall not be sworn, or otherwise upon inves-

(1) Disallowed as being superseded by the Charter.

No.22. tigation be proved, to exceed the Sum of Twenty Shillings Sterling, such Theft shall be deemed to be Petty Theft; and the Permanent Sitting Commissioner in Cape Town, and the jurisdiction thereof, and the Courts of Landdrost, Deputy Landdrosts, Residents and Commissioned Heemraden, and the Residents and Special Heemraden in the Country Districts and Residencies respectively, are hereby declared to be competent Courts to take cognizance of such Petty Theft, in the manner set forth in the 3d and 4th Sections of the Crown Trial: Provided always, that no Appeal shall be allowed in cases where the punishment shall not exceed One Month's Imprisonment with Hard Labor.

2. Provided always, and it is hereby enacted, That nothing herein contained shall extend to the stealing of Cattle, if sworn or otherwise appearing to exceed in value Five Shillings Sterling; or to Robberies committed in the Streets, Highways, or elsewhere, accompanied with personal Violence or Threats; or to Robberies with Burglary; or by breaking into Shops or other Buildings of any kind or nature whatsoever; or to Robberies committed in the Night in Gardens, Orchards, Fields, or other private places, which are inclosed or fenced in; or to Thefts committed by Soldiers, Watchmen, Policemen or others, to whom the protection of any Property may be specially entrusted, and who are in duty bound to guard the same; or to the stealing of Goods exposed by Shipwreck, Fire, or other calamity, or to any other Thefts accompanied with any circumstances with are by the Law deemed aggravations thereof,—all which Crimes shall continue to be cognizable by the several competent Courts of this Colony, in the manner set forth in the 2d Section of the Crown Trial:

3. Provided always, and it is hereby enacted, That all Prosecutions for Petty Theft now pending before any Superior Tribunal, and which shall not have terminated on the passing of this Ordinance, shall continue and be concluded in the same,—any thing herein contained to the contrary notwithstanding.

God save the King !

Given at the Cape of Good Hope, 4th Sept. 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council.

No. 23.—Signed, Rich. Bourke.

Ordinance for facilitating the Commerce with the Caffres, and other Nations living beyond the Boundaries of the Colony, and for consolidating the several Proclamations and Ordinances relating thereto. (1)

WHEREAS it is expedient to give increased facilities to Commerce with the Caffres and other Nations living beyond the Boundaries of this Colony, and to augment the number of Fairs, which may now legally be held within or beyond the Frontier, subject, however, to such Restrictions and Regulations as the particular circumstances of the Intercourse between the Colonists and those Nations may require: Be it therefore hereby enacted, That it shall and may be lawful for the Governor of this Colony, for the time being, to appoint Fairs, to be called "Border Fairs," for the purposes of Commerce with the Nations residing beyond the limits of this Colony, to be holden in such places within or beyond the confines of the Colony, and at such times as He by agreement with such Nations shall direct and appoint, and to make Rules and Regulations for the conducting thereof, and to entrust the care of providing for the due execution of such Rules and Regulations to the Officer commanding His Majesty's Troops on the Frontier, or to such other Person, whether a Military Officer or otherwise, as may be specially appointed to attend at such Fair by the Governor for the time being; or if a Military Officer, by the Officer commanding as aforesaid: Provided always, that such Rules and Regulations shall not contain any thing repugnant to the Provisions of this Ordinance, nor any Clause, by which any Custom, Duty, Tax, or Imposition of any kind whatsoever, may be levied, demanded, or received, on, of, or from, either Colonists or Foreigners.

2. And it is further enacted, That the Landdrosts and the Deputy Landdrosts of the several Frontier Districts in this Colony are hereby authorised and required to grant Licences, under their Hands and Seals, to Persons of good character, to attend and traffick at the Border Fairs; every such Licence to be perfected on a

(1) Allowed by the Home Government,—but partially altered and repealed by Ordinance, No. 81.—1830.

No. 23. Stamp of *Six Pounds*, or of such other amount as may here-
 1826. after be legally fixed—to be in force for One Year only, and renewable from Year to Year; and every such Licence shall contain the Name and Place of Abode of the Person to whom it is granted, and shall not be transferable to any other; and the several Landdrosts, and Deputy Landdrosts are hereby required to register all such Licences, and to transmit a Quarterly Return thereof to the Office of the Chief Secretary in Cape Town; and all Licences which may already have been issued under the Authority of the Ordinance of the Governor in Council of the 21st June, 1825. (No. 4) shall continue in force until the expiration of the term for which they were severally granted.

3. And it is further enacted, That it shall not be lawful for any Person to traffick at a Border Fair, without such Licence as aforesaid, or to refuse to shew such Licence on demand, to the Officer commanding, or other Person having the superintendance of such Border Fair; and every Person who shall be convicted of trafficking without a Licence, or of making use of the Licence of another Person, or of maltreating or defrauding a Caffre or other Foreigner attending such Fair, shall be subject to a Penalty not exceeding *Ten Pounds*, nor less than *Five Pounds*, or in default of payment thereof, to Imprisonment for a period not exceeding *Three Months*: and every Person trafficking with a Licence, and refusing to shew the same on demand of the Officer or Person hereby authorised to require it, shall, on conviction, be subject to a Penalty not exceeding *Five Pounds*, nor less than *Two Pounds*, or in default of payment thereof, to Imprisonment for a period not exceeding *One Month*.

4. And it is hereby further enacted, That it shall and may be lawful for the Dealers licensed as aforesaid, at any Border Fair, to offer for Sale or Barter, any kind of Goods, Merchandize or Cattle, which may be legally sold in this Colony: Provided always, that no Fire-Arms, or other offensive Weapons, or Ammunition of any kind whatsoever, or any Spirituous Liquors, Wines, Beer, or Ale, be offered for Sale at any such Border Fairs, such Articles being hereby declared contraband. And the Officer commanding, or other Person having the superintendance of any Border Fair, shall, and he is hereby authorised and require to search any Baggage or any Person present at such Fair, whom he may suspect of having about him or her, or in his or her Baggage, any Arms or Ammunition, Wines, Beer, Ale, or Spirituous, Liquors; and on the discovery of any spirituous Liquors, Wines, Beer, or Ale, beyond what in the opinion of the Officer,

or other Person having the superintendence of the Fair as aforesaid, may be requisite for the consumption of the party, to seize and spill the same,—and on the discovery of any Arms or Ammunition, beyond what may be deemed necessary for personal defence, to seizeth the same, and forward the Person or Persons on whom, or in whose Baggage such Fire-Arms, or other offensive Weapons, or Ammunition may be found, in custody to the nearest Landdrost or other Civil Magistrate, to be dealt with according to Law.

5. And it is further enacted, That the Officer commanding at, or other Person superintending, a Border Fair, shall be, and he is hereby authorised and required to arrest and detain in custody until the Fair shall be over, any Person, who shall commit any Riot or Disturbance therein, or who shall Traffick without a Licence, or who shall Traffick or offer to Traffick in contraband Articles ; or who shall refuse to shew his Licence, when required, by the proper Officer so to do ; or who shall be detected in defrauding or maltreating a Caffre, or other Foreigner attending such Fair, and shall discharge or send away such Person in custody to the nearest Magistrate to be dealt with according to Law, as such Officer or Superintendant in his discretion shall think fit : Provided always, that such Discharge shall not prevent or impede the Prosecution before the proper Tribunal of any Person taken into custody and subsequently discharged as aforesaid : And provided further, that any Person who shall have been taken into custody for Trafficking, or offering to Traffick, in contraband Articles, shall not be discharged, but shall be forwarded to the nearest Magistrate as aforesaid.

6. And it is further enacted, That it shall and may be lawful for the Governor for the time being of this Colony to authorise the Landdrosts, and Deputy Landdrosts, of the Frontier Districts, to grant Licences, under Hand and Seal, to such Colonists of good character as may desire to trade privately with the Nations beyond the boundaries of such District ; such Licences to be perfected on a Stamp of Six Pounds value, or of such other amount as may hereafter legally be required, and to be in force for one Year only ; and further to grant Passports to Foreigners living beyond the Frontier to enter into the Colony, for the purpose of trading with the Colonists, under such Regulations and Restrictions, and subject to such Penalties for the contravention thereof, as the Governor of this Colony, for the time being, may authorise and direct : Provided always, that nothing therein contained shall be repugnant to any of the Provisions of this Ordinance, or impose any Duty or Tax

No. 23. not herein authorised; or any Penalty greater than the
1826. confiscation of any Goods, Wares, or Merchandize, which in contravention of the Regulations as aforesaid shall be brought by any Foreigner into the Colony, and removal of such Person to beyond the boundaries thereof.

7. And whereas it is necessary, with a view to prevent the fatal consequences that have arisen from illicit Traffick between the Caffres and the Colonists, to prohibit under the severest Penalties, all Commerce with the Nations living beyond the Boundaries of the Colony, which is not authorised under the provisions of this Ordinance: It is hereby enacted, that it shall not be lawful for any Persons, excepting the Military on Duty, and licensed Traders on their journey to and from the Border Fairs, or other Persons licensed to Trade privately, under the authority of this Ordinance, to pass into any parts beyond the Boundary of this Colony, without a written Passport, signed by the Landdrost or Deputy Landdrost of the District through which such Person shall pass out of the Colony, and the Officer commanding His Majesty's Troops, when any are stationed therein; and any Person duly convicted of such Offence shall be liable to a Penalty not exceeding Ten Pounds, nor less than Five Pounds, or in default of payment, to Imprisonment for a period not exceeding Two Months for the first Offence; and for the second and every subsequent Offence, to a Penalty not exceeding Twenty Pounds, nor less than Ten Pounds, or in default of payment to Imprisonment for a period not exceeding Four Months.

8. And it is further enacted, That any Person, duly convicted of having been beyond the Frontiers of the Colony, having in his or her possession, for Sale or Barter, any Articles authorised to be sold or bartered at the Border Fairs, not being a licensed Trader, on his or her way to or from the Border Fairs, or other Person licensed to Trade privately under the authority of this Ordinance, such Person shall be liable to a Fine of Twenty Pounds, or in default of payment thereof, to Imprisonment for Three Months for the first Offence; and for the second and every subsequent Offence, to a Penalty of Fifty Pounds, or in default of payment thereof, to Imprisonment for Six Months.

9. And it is further enacted, That any Person who shall be duly convicted of having passed the Boundaries of the Colony as aforesaid, without legal permission so to do, and shall be further convicted of having actually engaged in Traffick with the Caffres, or any other of the Nations living

beyond the Boundaries of this Colony, contrary to the Pro-
visions of this Ordinance, shall be liable to a Fine of Fifty
Pounds, or in default of payment thereof, to Imprisonment
for Six Months for the first Offence, and for the second
Offence, such Person shall, in addition to the Fine of Fifty
Pounds, or Imprisonment for Six Months as aforesaid, be
banished for Three Years from all the Frontier Districts of
this Colony. No. 23 1826.

10. And be it further enacted, That any Person, save
and except the Military on duty, or other Person duly autho-
rised by the Governor of this Colony, who shall be found
beyond the Boundaries of this Colony, having in his or her
possession any Fire Arms or other Offensive Weapons, or
any Ammunition, beyond what may be deemed necessary for
personal defence ; and any Person who shall sell or barter,
or offer for Sale or Barter, to any of the Natives residing
beyond the Boundaries, any contraband Article whatsoever—
whether such Sale, or offer of Sale, take place within or
beyond the Boundaries of this Colony, or at a Border Fair
or otherwise, shall, on conviction thereof, be subject to the
Penalty of One Hundred Pounds, or in default of payment
thereof, to Six Months' Imprisonment at Hard Labour, and
shall further be banished, after the payment of such Fine,
or the expiration of such Imprisonment, from all the Fron-
tier Districts, for the space of Three Years.

11. And it is hereby enacted, That all Contraventions of
the present Ordinance shall be cognizable before the Courts
of Landdrost, or Deputy Landdrost, and Commissioned Heem-
raden of the District in which (or where the Offence has
been committed beyond the Colony, of the District nearest
to the place where,) any such Offence may have been com-
mitted, save and except such Offences as are subject, under
this Ordinance, to Banishment from the Frontier Districts,
which shall be cognizable before the Boards of Landdrost
and Heemraden ; and all Forfeitures and Penalties incurred
under this Ordinance shall be sued for and recovered by the
Public or other Prosecutor, and shall belong and be given—
One Half to the Informer, and One Half to the Colonial
Treasury.

12. And it is hereby further enacted, That the several Pro-
clamations and Ordinances hereinafter mentioned, relative to
the Intercourse, Trade, or Commerce, with the Nations
beyond the Boundaries of this Colony ; that is to say, the
Proclamations of the 8th December 1739—26th April 1770—
5th April 1774—2d April 1812—20th July 1821—13th
September 1822—14th March 1823—28th November 1823

No. 23. —23d July 1824—27th January and 29th April 1825; and 1826. the Ordinances of His Excellency the Governor in Council Nos. 4 and 16,⁽¹⁾ dated 21st June and 17th November 1825, shall be repealed, and they are hereby repealed accordingly, —save and except so far as the said Proclamations and Ordinances, or any of them, repeal any former Proclamations or Ordinances, or any clause, matter, or thing therein contained.

God save the King !

Given at the Cape of Good Hope, 11th September 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk to the Council.

No. 24.—Signed, Rich. Bourke.

Ordinance for establishing Matrimonial Courts at Tulbagh, Caledon, and Cradock. (2)

WHEREAS it is expedient to increase the number of Matrimonial Courts within the Colony, and to invest the Special Heemraden in places where this may conveniently be done with the power of holding the same: Be it therefore enacted, That from and after the date of this Ordinance, Matrimonial Courts shall be, and the same are hereby established within the several Jurisdictions of the Special Heemraden residing at Tulbagh, Caledon, and Cradock, the same to be presided by the aforesaid Special Heemraden respectively, who together with Two Heemraden of their respective Districts, or in default thereof, with One Heemraad and One Field-Cornet, or with Two Field-Cornets of their respective Districts as aforesaid, shall hold their several Sessions for the purpose of Registering Marriages at the least once in every month, upon such day

(1) *Vide* pages, 277 and 306.

(2) Allowed by the Home Government,—But repealed by Ordinance No. 33—1837.

thereof, as the said Special Heemraden shall respectively appoint. No. 24.
1826.

2. And be it further enacted, That the Clerks of the several Special Heemraden shall officiate as Secretaries to the said Courts respectively, and that the said Courts shall be governed by the same Rules and Regulations as are prescribed to the Boards of Landdrost and Heemraden, in the several Country Districts, by the Colonial Laws now in force.

3. And be it further enacted, That a Record of the proceedings of the Courts hereby constituted shall be transmitted Quarterly by the said Special Heemraden to the Matrimonial Courts of their respective Districts of Worcester, Swellendam, and Somerset, to be therein Registered according to Law.

God save the King !

Given at the Cape of Good Hope, 21st Sept. 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council.

No. 25.—Signed, Rich. Bourke.

Ordinance for the better Regulation of the Post Office in the Colony of the Cape of Good Hope. (1)

WHEREAS it is expedient, with a view to meet the heavy Expense consequent on the regular transmission of the Mails throughout the extended Districts of this Colony, to alter the Rates of Postage, and to abridge the Privilege of sending and receiving Letters free of Postage, as hitherto enjoyed by sundry Persons, both Civil and Military, within this Colony: Be it therefore enacted, That from and after the commencement of this Ordinance, no Letters or Packets whatsoever, conveyed by the Mails, shall pass free of Postage, except such as are hereinafter mentioned, and under the Provisions and Limitations hereinafter expressed.

(1) Allowed by the Home Government—But altered and repealed by Ordinance No. 56—1829—and Ordinance No. 3—1834.

No. 25. 2. And be it further enacted, That all Letters and Packets
1826. addressed to His Excellency the Governor—His Honor the Lieutenant-Governor—the Commander of the Forces—the Chief Secretary to Government—and the Military Secretary to the Commander of the Forces, shall pass free of Postage; as well as all Letters and Packets superscribed by the Officers aforesaid, or by such Persons as may be legally deputed by them for that purpose. ⁽¹⁾

3. And be it further enacted, That Letters addressed to, or superscribed by, the Honorable the Members of Council, shall pass free of Postage; provided always, that such Letters be not addressed to, or received from, any places beyond the Limits of this Colony, and that the number of Letters sent or received by any one of the Members of Council, shall not exceed respectively by any one Post ten Letters, nor any one of such Letters exceed in weight one ounce: And provided further, that all Letters sent by them shall be superscribed with the name of the Member franking the same, and of the place from whence dispatched by Post; with the date of the month in words at length, and the year in figures—the whole of such superscription or direction being written by the Member of Council franking such Letter. ⁽²⁾

4. And be it further enacted, That all Letters and Packets, being on His Majesty's Service only, addressed to, or superscribed by, the Officer Commanding in Chief His Majesty's Ships and Vessels on this Station, and all such Letters and Packets addressed to, or superscribed by, the Principal Officer of the Dock-Yard at Simon's Town, in the absence of the Commanding Officer as aforesaid, shall pass free of Postage.—The Officer Commanding in Chief His Majesty's Ships and Vessels on this Station shall also, individually, have the same privilege of sending and receiving private Letters free of Postage, which is granted under this Ordinance to the Honorable the Members of Council. ⁽³⁾

5. And be it further enacted, That all Letters and Packets addressed to the Postmaster-General, and superscribed by any of the Deputy Postmasters or other Persons employed in the service of the Post Office; and all Letters addressed to such Persons, and superscribed by the Postmaster-General, being on Public Service only, shall pass free of Postage: as

⁽¹⁾ Partially repealed by Ordinance No. 56, § 2.

⁽²⁾ Repealed by Ordinance No. 3—1834.

⁽³⁾ Repealed by Ordinance No. 56, § 2.

likewise Letters to or from Foreign Postmasters, on the service of their respective Post Offices. No. 25.
1826.

6. And be it further enacted, that all Letters and Packets arriving from the United Kingdom, addressed to Individuals resident in this Colony, and franked by Persons competent so to do, shall be received at the several Post Offices at the Ports at which such Letters may arrive, and be delivered there free of Postage; and if such Letters be on Public Service, and addressed to other parts of the Colony, they shall be forwarded to their respective destinations free of Postage.

7. And be it further enacted, That all single Letters addressed to Non-Commissioned Officers, Seamen, or Privates, in his Majesty's Navy, Army, Artillery, or Marines, on Service in this Colony, or on the Naval Station thereof, relating to their Private Concerns only, shall be subject to a Postage of One Penny each, to be paid on the delivery of such Letters; and if any such Letters, arriving from abroad, shall have already been taxed with the Duty of One Penny, they shall be exempt from all Postage in this Colony; provided always, that all such single Letters be directed to such Non-Commissioned Officers, Seamen, or Privates, Specifying the Ship, Vessel, Regiment, Troop, Corps, Company, or Detachment to which they may belong: And provided also, that such Letters be delivered to no one but to the Person to whom they shall be directed, or to some Person employed to receive the same by their Commanding Officer.

8. And be it further enacted, that all single Letters sent by any Non-Commissioned Officer, Seaman, or Private, in His Majesty's Navy, Army, Artillery, or Marines, actually on Service as such within this Colony, or on the Naval Station thereof, shall be subject to the Postage of One Penny only for the conveyance of any such Letter, to be paid on delivery at the Post Office where it is put in: Provided always, that such Letter be superscribed by the Commanding Officer, for the time being, of the Ship or Vessel, Corps, Regiment, or Detachment to which such Non-Commissioned Officer, Seaman, or Private may belong; together with the name of the Writer thereof, and of the Corps or Vessel to which he may belong.

9. And be it further enacted, that on the arrival of any Vessel from abroad with Bags of Letters (not made up at any of the Post Offices in the United Kingdom,) or with loose Letters addressed to any of the Inhabitants of this Colony, or on the arrival of any Vessel from any of the Ports of this Colony with Letters or Bags of Letters as aforesaid, it

No. 25. shall be lawful for the Postmaster stationed at the Port or 1826. Bay in which such Vessel may arrive, and he is hereby required to pay to the Master, Officer, or other Person, who shall deliver such Letters to the Postmaster, or to the Captain of the Port for transmission to the Post Office, One Penny for every Letter bearing Postage so delivered, which amount so paid shall be charged by the Postmaster in his Contingent Account. (1)

10. And be it further enacted, That from and after the commencement of this Ordinance it shall be lawful for the Postmaster-General, and the several Postmasters in this Colony, and they are hereby required to demand and receive for each Printed Newspaper or Journal One Penny, to be paid on being put into the Post Office,—provided such Newspaper or Journal be sent without cover, or in a cover open at the sides; and it shall be lawful for the Postmaster-General, and Postmasters throughout the Colony to examine and search any Packet sent without a cover, or in a cover open at the sides, in order to discover whether any other paper or thing whatsoever be enclosed with such Printed Paper, permitted to be sent at the Rates aforesaid, and in order to discover whether the said Printed Papers, liable to Stamp Duty, shall have been duly stamped; and in case any other paper or thing whatsoever shall be found to be enclosed or concealed in or with such Paper as aforesaid, or in case there shall be any writing other than the superscription upon such Printed Paper, or upon the cover containing the same, the whole of such Packet shall be charged with Treble the Postage of a Letter; and in case any Newspaper, or other Printed Paper liable to Stamp Duty, shall appear not to have been duly stamped, every such Postmaster is hereby required to stop the same, and send it to the Commissioner of the Stamp Duties in Cape Town: Provided always, that no Charge shall be made for the conveyance of the *Government Gazette* by Post throughout the Colony.

11. And be it further enacted, That all Printed Newspapers and Journals arriving from abroad, addressed to any Person residing in this Colony, shall be delivered at the Post Office of the Port where the Vessel conveying the same shall arrive free of Postage; and if forwarded by the Inland Post, shall be chargeable with One Penny each on delivery thereof.

12. And be it further enacted, That all Printed Papers to be conveyed under the Provisions of this Ordinance, shall be

(1) Repealed by Ordinance No. 3—1834.

delivered to the Postmaster-General, or his Deputy, or Deputies, at such hours in the day and under all such Regulations as the Postmaster-General for the time being shall from time to time appoint. ⁽¹⁾

13 And be it further enacted, That from and after the commencement of this Ordinance, the sums to be demanded and received by the several Postmasters throughout the Colony for the conveyance of Letters or Packets, shall be according to the amount expressed in the Table of Rates hereunto annexed, and no other. ⁽²⁾

14. And be it further enacted, That it shall and may be lawful for the Chief Secretary to Government, and the Military Secretary to the Commander of the Forces, to nominate and appoint from time to time one Clerk or other Person in their respective Offices to Frank, by affixing his Signature thereto, all such Letters and Packets, on Public Service only, as may require to be dispatched by Post to their respective Offices: Provided always, that due notice be given to the Postmaster-General, in Cape Town, of the appointment of such Persons for the discharge of this duty. ⁽³⁾

15. And whereas it is expedient to prevent Persons not legally authorised from carrying Letters and Packets to the injury of the Revenue of the Post Office, be it therefore enacted, That no Person or Persons whatsoever other than the Postmaster-General, his Deputy or Deputies, Servants, or Agents, or other Persons acting under the authority of this Ordinance, shall receive for conveyance, or shall convey or deliver any Letter or Packet, or make any collection thereof for conveyance or delivery within those parts of this Colony through which the line of Post now established, or hereafter to be established, does or shall extend, on pain of forfeiting, on conviction thereof, a sum not exceeding Five Pounds, nor less than Ten Shillings, for every offence so committed against the tenor and meaning of this Ordinance: Provided always, that nothing herein contained shall extend to prevent the transmission of Letters on the Public Service by special Messengers, or of Private Letters by Servants, or other hired Persons, such Letters being *bona fide* on the business of their Masters or Employers only; or the conveyance of Letters

(1) Repealed by Ordinance No. 3—1834.

(2) Repealed by Ordinance No. 3, 1834.

(3) Repealed by Ordinance No. 56, § 2.

No. 25. by private hands, if delivered at the Post Office of the Place 1826. to which they are addressed, and superscribed with the name of the Post Town nearest to the Place from whence taken, to be stamped and charged upon delivery according to the Table of Rates. ⁽¹⁾

16. And be it further enacted, That in case any Public Officer receiving Letters on Public Service, free of Postage, shall receive under cover to him any Letter or Packet, not being on His Majesty's Service, intended for or directed to other Persons, with intent to evade the payment of Postage, every such Officer is hereby authorised and required to send such Letter to the nearest Post Office, with a Certificate stating the place from whence such Letter was dispatched by Post, under cover to him, in order that such Letter or Packet may be charged with the duty of Postage payable thereon: And in case any Member of Council or other Person privileged under this Ordinance to receive private Letters free of Postage, shall receive under cover to him, any Letter intended for any other Person, and addressed to him, without his knowledge and consent, with the intent to evade the payment of Postage, notwithstanding such Letter may be within the number such Person is authorised to receive by each Post, such Member of Council, or other Person so privileged under this Ordinance, shall, and he is hereby authorised and required to send such Letter to the nearest Post Office, with a Certificate stating the place from whence such Letter was dispatched by Post, under cover to him, in order that such Letter may be charged with the duty of Postage payable thereon.

17. And be it further enacted, That if any Person or Persons shall forge or counterfeit the Hand-writing, or make use of the Name of any Person whatsoever, in the superscription of any Letter or Packet to be sent by Post in this Colony, in order to avoid the Payment of the Duty of Postage thereon; or shall forge, counterfeit, or alter, or shall procure to be forged, counterfeited, or altered, with the intent aforesaid, the Date, Place, or any other part of the Superscription of any such Letter or Packet; or shall send by the Post in this Colony, any Letter or Packet, the Superscription or any part whereof shall be forged, counterfeited, or altered, in order to avoid the Payment of the Duty of Postage thereon,

(¹) Repealed by Ordinance No. 3—1834.

knowing the same to be forged, counterfeited, or altered— No. 25.
 every Person so offending shall, on conviction thereof, forfeit 1826.
 and pay the Sum of Fifty Pounds Sterling for the first Offence,
 or in default of payment be imprisoned for Six Months, with
 Hard Labour; and for the second Offence, shall forfeit and
 pay the Sum of One Hundred Pounds Sterling, or in default
 of payment shall be imprisoned for Twelve Months, with
 Hard Labour; and for the third Offence shall be transported
 for Seven Years to New South Wales, or to such other
 place as to His Majesty may seem meet.

18. And be it further enacted, That all Penalties incurred
 under the Provisions of this Ordinance shall be sued for by
 the Public Prosecutor; and all Fines and Forfeitures shall
 be given, One Half to the Informer, and One Half to the
 Colonial Treasury.

19. And be it further enacted, That this Ordinance shall
 take effect and be in force from and after the 15th day of
 November next.

God Serve the King!

Given at the Cape of Good Hope, 9th October 1826.

By Command of His Honor the Lieutenant-Governor,
 (Signed) R. Plasket, Sec. to Govt.

By Order of the Council,
 (Signed) D. M. Perceval, Clerk of the Council.

No. 25.
1826.

Table of Rates of Postage.

*Direct and Intermediate Rates of the Post Route to the
Eastern Frontier.*

<i>To & from Cape Town to Somerset (Hots. Holland.)</i>	<i>To and from Cape Town to Somerset (Hots. Holland.)</i>	<i>Caledon. Swellendam Port Beaufort. George. Plettenberg's Bay.</i>	<i>Uitenhage. Port Elizabeth. Graham's Town. Bathurst. Port Frances. Graaff-Reinet. Somerset. Cradock.</i>	<i>Beaufort.</i>
Caledon . . .	5	2d.		
Swellendam .	7	4	3d.	
Port Beaufort	8	6	4	3d.
George	9	7	6	5
Plettenberg's Bay . . . }	11	9	8	7
Uitenhage . .	10	9	8	7
Port Elizabeth	11	10	9	8
Graham's Town	12	11	10	9
Bathurst . . .	13	12	11	10
Port Frances	13	12	11	10
Graaff-Reinet	12	11	10	9
Somerset . . .	13	12	11	10
Cradock . . .	13	12	11	10
Beaufort . . .	13	12	11	10

*Direct and Intermediate Rates on the Post Route
to the Northern Frontier.*

	To and from Cape Town to Stellenbosch.			
<i>To & from Cape Town to Stellen- bosch.</i>	3d.	The Paarl.		
The Paarl . .	4	2d	Tulbagh.	
Tulbagh . . .	6	5	4d	Worcester.
Worcester . .	7	6	5	
Clanwilliam .	8	7	6	
			3d	6d

To and from Cape Town and Simon's Town, 3d.

———— Simon's Town to any place beyond Cape Town, 1d.
above the rates between that place and Cape Town.

NB. Double Letters are to be charged double the price of a single Letter; treble Letters, three times the price; Letters of one Ounce weight, four times the price; and so in proportion for every Letter exceeding one Ounce in weight.

Ship Letter Rates.

Single. Double. 1 Ounce.

Ship-Letters sent from, and brought into
the Colony,

4d. 8d. 1s.

If conveyed by Inland Post, 4d. only,
in addition to the Inland Rates.

Newspapers or Pamphlets sent from the
Colony, each,

1d.

By any Inland Post, each.

1d.

No. 26.—Signed Rich. Bourke.

Ordinance for Levying a Stamp Duty on Printed Newspapers and certain other Periodical Works. ⁽¹⁾

WHEREAS it is expedient to levy a Stamp Duty on Newspapers, and certain other Periodical Works, printed and published in this Colony, which are not included in the Tariff annexed to the Proclamations of the 30th April, and 10th December, 1824: Be it therefore enacted, That from and after the commencement of this Ordinance there shall be collected and paid in this Colony, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Ordinance annexed, (except those standing under the Head of Exemptions,) the several Sums of Money and Duties as therein respectively inserted and described; and that there shall be allowed and paid, for and in respect of all such Articles, Matters, or Things as are inserted and described in the said Schedule in that behalf, the several Allowances therein set forth; and that the said Schedule, and every clause therein respectively contained, shall be deemed and taken as part of this Ordinance.

2. And be it further enacted, That from and after the commencement of this Ordinance, any Person who shall be convicted of Printing or Publishing, within this Colony, on Paper not duly stamped, any Newspaper or other Periodical Work required by this Ordinance to be stamped, shall be subject to a Penalty of Twenty Pounds for every such Offence—one half whereof shall be paid to the Informer, and one half to the Colonial Treasury.

3. And be it further enacted, That this Ordinance shall take effect, and be in force, from and after the 1st day of January 1827.

God save the King!

Given at the Cape of Good Hope, 23d October 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed)

R. Plasket, Secretary to Govt.

By Order of the Council,

(Signed)

D. M. Perceval, Clerk of the Council.

⁽¹⁾ Allowed by the Home Government, but *vide* Ordinance No. 60, 1829.

Schedule of Duties on Newspapers and other Periodical Works printed and published in this Colony. No.26.
1826.

Any Newspaper, or Paper containing Public News, Intelligence, or Occurrences, and not exceeding One Sheet,	- - - - -	One Penny.
For every additional Half-Sheet thereof	-	One Half-penny.
Any Almanack or Calendar for any Year, or time less than a Year,	- - - - -	Six-pence.
Any Almanack or Calendar made to serve for any longer time than a Year, or for several Years,	- - - - -	Three Shillings.
Any Colonial Directory,	- - - - -	Six pence.

Schedule of Allowances for the Purchase of the Stamps enumerated in the foregoing Table.

To any Person who shall bring Paper to the Stamp-Office in Cape Town to be stamped, or who shall buy Stamped Paper at the said Stamp-Office, the Duties whereof shall amount to Ten Pounds or upwards, an allowance after the rate of Ten Pounds for every Hundred Pounds, upon prompt payment of the said Duty upon such Paper so bought or stamped.

Exemptions from the Duties on Papers containing Public News, Intelligence, and Occurrences.

Acts of Parliament, Proclamations, Orders in Council, Ordinances, Government Minutes, and Acts of State, or other matters printed by order of His Majesty, or of the Colonial Government.

Any Paper containing a single Advertisement, printed and dispersed separately: save and except Handbills, as specified in the Proclamation of the 10th December, 1824, Article 6th.

Daily Accounts, or Bills of Goods imported and exported, and Prices Current.

No. 27.—Signed, Rich. Bourke.

Ordinance for postponing the exclusive Adoption of the English Language in all the Courts of Justice in this Colony. (1)

WHEREAS it is expedient to postpone the period at which the use of the English Language is to be exclusively adopted in all the Courts of Justice in this Colony, until such Arrangements shall be made as may facilitate the introduction of this beneficial measure, and render its utility at once certain and

(1) Allowed by the Home Government, but virtually repealed by the Charter.

No. 27. permanent ; and whereas many of these arrangements
 1826. have, from unavoidable causes, been delayed, and
 are yet wanting : Be it therefore enacted, That
 so much of the Proclamation of the 5th day of
 July 1822, as directs that the English Language shall
 be used in all Judicial Acts and Proceedings of the
 several Courts of Justice in this Colony, from and after
 the 1st day of January 1827, shall be, and is hereby
 repealed, and declared void and of no effect ; and that
 it shall and may be lawful to continue to use the
 Dutch Language in the Proceedings of those Courts
 where it is now used ; any thing in the said Proclama-
 tion of the 5th day of July 1822, to the contrary not-
 withstanding. ⁽¹⁾

2. Provided always, and be it hereby enacted, That it
 shall and may be lawful for the Governor of this Colony, for
 the time being, by Proclamation to be made and published
 at any time after the passing of this Ordinance, to direct
 and order, that the English Language be used in the Judicial
 Acts and Proceedings of all or any of the Courts of Justice
 in this Colony, at such subsequent period as to him shall
 seem fit.

God save the King !

Given at the Cape of Good Hope, 13th December 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed)

R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed)

D. M. Perceval, Clerk of the Council.

No. 28.— Signed, Rich. Bourke.

*Ordinance for destroying the Sum of 3,000 Rix-dol-
 lars, being the Twenty-first Instalment of the Sum
 of 75,000 Rix-dollars created and advanced by
 the Batavian Government in the Year 1804, for the
 special purpose of repairing the Damages occasioned
 by a Fire in the Village of Stellenbosch. ⁽²⁾*

WHEREAS the Landdrost and Heemraden of Stellen-
 bosch ⁽³⁾ have repaid to the Colonial Treasury the Sum

⁽¹⁾ *Vide* Ordinance No. 1—1825, p. 273

⁽²⁾ Allowed by the Home Government.

⁽³⁾ *Vide* Ordinance No. 5,—1825, p. 279

of Three Thousand Rix-dollars being the Twenty-first Instalment of the Sum of Seventy-five Thousand Rix-dollars, which had been created and advanced by the Batavian Government, in the Year 1804, for the special purpose of repairing the Damages occasioned by Fire in that Village, and which Money was to be repaid by Instalments of Three Thousand Rix-dollars per annum, and publicly destroyed, as directed by the Proclamation of the Governor and Council of the 30th September 1804 : No. 28.
1827.

Be it therefore enacted, That it shall and may be lawful for the Governor of this Colony for the time being, at any time within one month after the passing of this Ordinance, by Warrant under his Hand and Seal, to authorise and require D. Denyssen, Esq. His Majesty's Fiscal, W. Hewetson, Esq. Deputy Commissary General, together with two Members of the Court of Justice, and two Members of the Burgher Senate, to be appointed by the Court and Senate, to meet at the Office of Revenue, in Cape Town, on any day and hour to be named in such Warrant, being within one month from the passing of this Ordinance, then and there to receive from the Honorable J. W. Stoll, Esq. His Majesty's Receiver General, the Sum of Three Thousand Rix-dollars, being the amount of the Twenty-first Instalment of the Sum of Seventy-five Thousand Rix-dollars paid into the Colonial Treasury on the 15th June 1826, by the Landdrost and Heemraden of Stellenbosch, in liquidation of the Loan made to them by the Batavian Government in the Year 1804, and after examining the same, to cause the same to be publicly burned and destroyed in their presence.

And in case the examination of the several Pieces of Money which constitute the above Sum of Three Thousand Rix-dollars cannot be concluded in one day, then and in that case it shall and may be lawful for the said D. Denyssen, Esq. His Majesty's Fiscal, W. Hewetson, Esq. Deputy Commissary General, and the other Persons described as aforesaid, to adjourn, and proceed therein as shall appear best to them; but so as to finish and conclude in the shortest time possible.

And it is hereby further directed, That the several

No. 28. Persons abovementioned shall sign three Certificates of 1827. their Proceedings herein, to be drawn up and prepared by Mr. C. M. Zastron, Clerk in the Colonial Secretary's Office, under the direction of His Majesty's Fiscal, two of which Certificates are to be delivered to the Hon. J. W. Stoll, Esq. as his discharge for the Sum of Three Thousand Rix-dollars, with which he now stands charged to His Majesty, and the other is to be lodged in the Records of the Court of Justice, by His Majesty's Fiscal and the Members thereunto belonging, at the next Meeting, after the signing as above directed.

And it is further enacted, That His Majesty's Fiscal shall require and demand of the Court of Justice, within fourteen days after the lodging of such Certificates as above-mentioned, that they, the said Court of Justice, do pass a public Act, under their Hand and the Seal of the Court, certifying and declaring all their Proceedings which have been held and have taken place with regard to the destroying of the Three Thousand Rix-dollars received from the Landdrost and Heemraden of Stellenbosch, annexing to or including in such their Act, authentic Copies of the several Certificates lodged, as directed in their Records, which Public Act is to be presented to the Governor of this Colony for the time being, to be disposed of in such manner as to him may seem fit, for the satisfaction of His Majesty in the premises.

God save the King !

Given at the Cape of Good Hope, 21st April 1827.

By Command of His Honor the Lieut. Governor.

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council.

No. 29.—Signed, Rich. Bourke.

Ordinance for making Regulations for the Conduct and Proceedings of the Masters and Crews of Merchant Vessels arriving in the Ports of this Colony. (1)

WHEREAS it is necessary for the Public Service, and the benefit of Trade, to make certain Regulations for the Conduct and Proceedings of the Masters and Crews of Merchant Vessels arriving in the Ports of this Colony, Be it therefore enacted, that from and after the passing of this Ordinance, on the arrival of any Merchant Vessel in any of the Ports or Harbours of this Colony, the Master or other Person in charge thereof shall, when required, shew the Ship's Papers and Register to the Port Captain, Harbourmaster, or Government Resident, and shall deliver a list of His Passengers and Crew, with a description of their Rank, Sex, and Occupation, together with a list of any Deaths or Removals that may have occurred during the Voyage; and if it shall afterwards be made to appear, that the Master or other Person in charge of the Vessel has not duly accounted for every Individual as aforesaid, he shall incur a Penalty of Fifty Pounds Sterling for each Person so unaccounted, or falsely accounted for; and he shall not suffer any Person whatever, or any of his Boats, to leave his Ship, or any other Boat to come alongside his Ship, until permission shall have been granted to him by the proper Authority to hoist the Health Flag, under a like Penalty of Fifty Pounds.

2. And be it further enacted, That every Master or other Person in charge of a Merchant Vessel, shall strictly obey the Quarantine Laws and Regulations which now are, or hereafter shall be in force within the Colony, and shall hoist, or cause to be hoisted, the Yellow Flag, at the Fore Top-Gallant-Mast-Head, when ordered so to do by the Captain of the Port, Officer of Health, or other competent Authority; and if he shall refuse or neglect so to do, he shall incur a Penalty of One Hundred Pounds Sterling, over and above all other Penalties which may be awarded by Law for a breach of the Quarantine Regulations.

(1) Allowed by the Home Government, except § 8 disallowed.—But partially repealed by Ordinance No. 1—1834.—See also Ordinance No. 65 *infra*.

No. 29. 3. And be it further enacted, That every Master or other
 1827. Person in charge of a Merchant Vessel, shall deliver, as soon as possible after his arrival in any of the Ports of this Colony, all Public Mails entrusted to him for delivery therein; and if he shall refuse or neglect to deliver up the same on demand, to the Port Captain or Harbourmaster, Government Resident, or Officer from the Post Office, as the case may be, he shall forfeit and pay the Sum of Twenty Pounds Sterling for every Mail-Bag or Mail-Box so unlawfully retained: he shall also deliver for transmission to the Post Office any loose Letters in his Possession, addressed to Persons in this Colony; and for each loose Letter bearing Postage, he shall be entitled to receive the Sum of One Penny.

4. And be it further enacted, That the Master or other Person in charge of any Merchant Vessel entering the Ports of this Colony, shall, within twenty-four hours after anchoring, unless prevented by stress of weather, deliver at the Custom-House, or if there be no Custom-House, then at the Office of the Government Resident, his Ship's Register, Manifest of Cargo, and other necessary Papers relating to his Ship; and shall, within the same period, give Bond at the Port Office, or at the Office of the Government Resident, with one approved Surety, in the Sum of One Hundred Pounds Sterling for the due fulfilment of the provisions of this Ordinance; and if he shall refuse or neglect to comply with any one of the Regulations set forth in this Section, he shall, upon conviction, forfeit and pay a Sum not exceeding Ten Pounds Sterling: Provided always, and it is hereby enacted, that it shall and may be lawful for the Government Residents at any of the Ports or Harbours in this Colony (excepting Simon's Bay and Port Elizabeth), to dispense with the execution of the Bond as aforesaid, if, under the emergency of the case, he shall find it necessary so to do.

5. And be it further enacted, That it shall not be lawful for any Passenger or other Person arriving in any Merchant Vessel, at any of the Ports of this Colony, to ship, tranship, or bring on shore, any Goods, Wares, Merchandise, or baggage, without a Permit from the proper Officer of Customs, or if there be no Custom-House at such Place, then from the Government Resident thereat, which shall particularize the nature and number of Cases, or Packages, under a Penalty not exceeding Five Pounds Sterling for every Case or Package so illegally shipped, transhipped, or landed; or in default of payment thereof, of imprisonment for any period not exceeding Ten Days,—such Fine or Imprisonment to be over and above any Fines, Penalties, For-

feitures, or Confiscations, that may be adjudged in such No. 29.
 Cases for a breach of the Revenue Laws now in force, or 1827.
 hereafter to be enacted: and it shall not be lawful for any
 Person whatsoever, to land Goods (King's Stores excepted),
 at any place but at the Public Wharf, or usual Landing
 Place, without permission from the Custom-House to that
 effect; and any Goods, Wares, or Merchandise, so illegally
 landed, or when landed on the Wharf, if not removed there-
 from within twelve hours, unless prevented by some unavoid-
 able accident, shall become liable to Seizure and Confisca-
 tion on complaint of the Officer of Customs, or Wharfmaster.

6. And be it further enacted, That if any Master, or
 other Person in charge of a Merchant Vessel, shall order, or
 allow any of his Boats to board, or if any of his Boats shall
 board, or run alongside of any Vessel arriving in the Ports
 of this Colony, for the purpose of communication, before such
 Vessel shall have hoisted the Health Flag, he shall forfeit
 and pay a Penalty not exceeding Ten Pounds Sterling.

7. And be it further enacted, That if any Master, or other
 Person in charge of a Merchant Vessel, shall knowingly and
 wilfully receive on board his Ship, any Deserter from His
 Majesty's Navy or Army, or any Runaway Slave, Contracted
 Servant or Apprentice, he shall forfeit and pay the Sum of
 Ten Pounds Sterling; and if he shall receive on board any
 Seaman, Seafaring Man, or Landsman, of any Nation or
 Colour, without a Certificate from the Captain of the Port,
 or Harbourmaster, countersigned by the Chief Officer of
 Police at the place, he shall forfeit and pay a Sum not ex-
 ceeding Forty Shillings for every person so harboured or
 received; and he shall on no account remove or receive on
 board his Ship any Person, for the purpose of removing him
 or her from the Colony, unless such Person be provided with
 a Permission to such effect, under the Hand of the Chief
 Secretary to Government, or his Assistant, under a Penalty
 of Fifty Pounds Sterling.

[8. And be it further enacted, That if any Master of other
 or Person in charge of a Merchant Vessel, shall wilfully
 or negligently leave behind him in this Colony, any Seaman,
 Passenger, or other Person brought to it onboard his Vessel
 unless on a Certificate from the Chief Officer of Police, stating
 that such Person has received permission to remain, he shall
 forfeit and pay the sum of Twenty Pounds Sterling, for
 every Person thus unlawfully abandoned; and if any such Per-
 son shall wilfully or negligently remain in the Colony after the
 departure of the Vessel which brought him or her to it,

No. 29. without permission from the Chief Officer of Police or
 1827. other lawful Authority as aforesaid, such Person shall, on conviction, forfeit and pay a Sum not exceeding Twenty Pounds Sterling, or in default of payment thereof be liable to arrest as a Vagrant, and to be dealt with accordingly: Provided always, that should any Seaman, with the consent of the Master or other Person in charge of the Vessel to which he may belong, desire to remain in the Colony, he shall upon production of a Certificate of good character from the Master or other Person as aforesaid and of a Certificate from the Police Physician or District Surgeon, that he is not afflicted with any disease or complaint likely to incapacitate him from earning his livelihood by labour, receive a Pass to enable him to follow his Business as a Mariner or other lawful occupation within the Colony.] ⁽¹⁾

9. And be it further enacted, That it shall not be lawful for the Master or other Person in charge of any Merchant Vessel, in any of the Ports of this Colony, to allow his Boats to remain on the shore, at the Public Wharf or Landing Place, after Nine o'clock at Night, except through stress of weather, or when the Public Service may require such Vessel to be quickly watered, and permission shall have been obtained from the competent Authority to that effect; and for every Boat which shall be found on the shore, or at the Wharf or other Public Landing Place, in contravention of this Regulation, the Master or other Person in charge of the Vessel to which it may belong shall forfeit and pay a Sum not exceeding Five Pounds Sterling: And it is further enacted, that any Sailor or Boatman belonging to any Merchant Vessel lying in any of the Ports of this Colony, who shall be found wandering about the streets or roads thereof after the hour of Nine at night, shall be arrested and detained by the Police or Military Patroles until he can be sent on board his Ship or Boat, or shall be otherwise discharged by the competent Civil Authority.

10. And in order that sufficient time may be given to search for Deserters or Runaway Slaves, be it further enacted, That it shall not be lawful for the Master or other Person in charge of any Vessel to sail from any of the Ports of this Colony, where a Custom-House is established, (unless such Vessel shall have come in for refreshments only, or through stress of Weather, and shall not have remained at Anchor for more than three Days,) without due notice of her intended Departure being given in Writing at the Custom-House Two Days previous to her sailing: And in order that the intended

(1) Repealed by Proclamation 14th May 1829.

Departure of such Vessel may be notified to the Public, it No. 29.
is further enacted, that the Ship's Ensign shall be hoisted at 1827.
the Main Top-Gallant-Mast-Head twenty-four hours previous
to her departure, under a Penalty not exceeding Ten Pounds
Sterling.

11. And be it further enacted, That on the arrival of a
Merchant Vessel in any of the Ports of this Colony, the Mas-
ter or other Person in charge thereof, shall cause all Guns
on board to be immediately unshotted, and they shall not be
reshotted until the Vessel is clear of the anchorage, under a
Penalty of Five Pounds Sterling; and no Musket or other
Firearm loaded with Ball or shot, shall be discharged on
board a Ship or Boat in the anchorage, or on the beach, un-
der a Penalty not exceeding Forty Shillings, to be paid by
the Person duly convicted, or in default of payment thereof,
of Imprisonment for any period not exceeding Eight Days.

12. And be it further enacted, That no Stones, Gravel, or
Ballast, shall be cast into the water, below high-water mark,
within the Bays, Rivers, or Harbours of this Colony, by any
Master or other Person in charge of a Merchant Vessel, or
by any of the crew or Passengers thereof, or by any Person or
Persons under his or their orders, unless with the permission
of the Port Captain or Harbourmaster, under a Penalty not
exceeding Ten Pounds Sterling, to be recovered from and
paid by the Master or other Person in charge of the Vessel
from which such Ballast shall be taken.

13. And be it further enacted, That in the event of the
Death of any of the Crew, Passengers, or other Persons, oc-
curring on board of any Merchant Vessel whilst remaining
in any of the Ports of this Colony, or in case of the Deser-
tion of any of the Crew, or Removal of any of the Passengers
as aforesaid, the Master or other Person in charge of such
Vessel shall forthwith report the same in writing to the Port
Captain, or to the Government Resident, under a Penalty of
Five Pounds Sterling for every Death, Desertion, or Removal,
which he shall neglect so to report.

14. And be it further enacted, That in the event of the
Master or other Person in charge of any Merchant Vessel,
who may have entered into Security in the manner required
by this Ordinance, having left any of the Ports in this
Colony, so that he cannot be personally prosecuted for the
contravention of any of the provisions of this Ordinance, then
and in such case it shall and may be lawful for the Public
or other Prosecutor, or for any Informer, to sue the Surety
of such Master or other Person as aforesaid, upon his Bond,

No. 29. and upon proof of the Offence to obtain Judgment, and re-
 1827. cover by *Parata Executio* the amount of any Penalty or Penalties which shall have been incurred by the Master or other Person for whom such Surety shall have been bound : Provided always, that no Surety shall be condemned in any larger amount than that for which he has given Security by Bond as aforesaid, and that the Complaint be lodged, or Action be brought, within One Month after the departure of the Master or other Person in charge of the Vessel as aforesaid.

15. And be it further enacted, That from and after the First Day of January 1828, all Individuals, Proprietors of Boats in this Colony, whether used in the Transport of Merchandise, or for Fishing, or for any other purpose whatsoever, shall be and they are hereby bound to obtain a Licence for the employment of such Boats, to be granted by the Captains of the Port, or Harbourmasters, or the Government Residents, as the case may be, at the several Ports in this Colony ; such Licence to be on a Stamp of One Shilling, and to be renewed annually: And the Proprietors of any Boats employed without such Licence from and after the first day of January 1828, or without having had their Licence renewed at the expiration thereof, shall be subject to a Penalty of Five Pounds Sterling; and in case of the Proprietors not being forthcoming, such Boat so employed without the regular Licence shall be confiscated.

16. And be it further enacted, That no Licence shall be granted for any Boats as aforesaid, until the Proprietors thereof shall have given Bond, with two competent Sureties, in the penal Sum of Twenty Pounds Sterling, for their good and regular conduct, and for the due observance of these Regulations, or such other as may hereafter be established by Law on this head, and shall have produced a Certificate of Tonnage of the said Boats, signed by a Master Shipwright or other competent Person.

17. And be it further enacted, That all Boats so licensed, shall be numbered, and their Numbers painted legibly on their Sterns, in figures of not less than three inches in length, with black paint on a white ground, and shall be duly registered at the Office from whence the Licence shall be granted.

18. And be it further enacted, That no Boat belonging to any Individual in this Colony shall be allowed to board any Vessel arriving in the Ports thereof, until such Vessel shall have hoisted the Health Flag, under a Penalty to be levied on the Proprietor of such Boat, of Ten Pounds Ster-

ling, independent of any other Pains or Penalties for a No. 29.
breach of the Quarantine Laws; nor shall any Boatman be 1827.
permitted to land or leave the Shore after Nine o'clock at
night, or before Day-light in the morning, without per-
mission of the Port Captain, Harbourmaster, or Government
Resident, as the case may be, under a similar Penalty of Ten
Pounds Sterling. And the Proprietors of Boats shall be
considered responsible for the conduct of the Persons they
may place in charge thereof, in as far as relates to the con-
travention of any of these Regulations.

19. And be it further enacted, that on the Transfer by
Sale, or otherwise, of any Boat as aforesaid, the Licence for
such Boat shall become null and void, and the party to whom
the Boat may be transferred shall be required to take out a
new Licence, and enter into the Security required by this
Ordinance.

20. And be it further enacted, That from and after the
passing of this Ordinance, the following Dues, and no more,
shall be paid by the Masters or other Persons in charge of
Vessels arriving in the Ports of Table bay or Simon's bay, in
this Colony; if for Water and Refreshments only, at the rate
of Two Pence and One Farthing for each Ton;—if for the
purposes of Trade, at the rate of Four Pence and One Half
Penny per Ton;—for a Copy of this Ordinance and Instruc-
tions, Three Shillings;—for a Port Clearance, Seven Shil-
lings and Six Pence: Provided always, that for Vessels em-
ployed solely in the Coasting Trade of this Colony, shall be
paid annually by the respective Owners or Masters thereof,
to the Captain of the Port at Table Bay, at the rate of Nine
Pence for every Ton,—such charge to become due and pay-
able on and from the first of January in every year, in which
any such Vessels shall be employed in the Coasting Trade of
this Colony as aforesaid.

21. And be it further enacted, That from and after the
first day of January, 1828, for every Private Boat, whether
used in the transport of Mechandize, or for Fishing, or for
any other purpose whatsoever, in any of the Ports of this Co-
lony, there shall be paid an annual Duty of One Shilling and
Six Pence per Ton. ⁽¹⁾

22. And be it further enacted, That all contraventions of
the present Ordinance, shall be cognizable in Cape Town,
before the Permanent Sitting Commissioner or Judge of
Police; and in any of the other Ports, before the Resident

⁽¹⁾ Repealed in so far as relates to Boats exclusively employed in
fishing, by Ordinance No. 1—1834.

No. 29. Magistrate therein, or of the District to which such Port shall belong ; and all Fines and Forfeitures incurred under any of the provisions of this Ordinance, shall be sued for in the said Courts, and shall be given one half to the Informer and one half to the Colonial Treasury.

23. And be it further enacted, That from and after the passing of this Ordinance, all Port Regulations of prior date shall be, and the same hereby are repealed.

God Save the King!

Given at the Cape of Good Hope, 27th November 1827.

By Command of His Honor the Lieutenant-Governor,
(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,
(Signed) D. M. Perceval, Clerk of the Council.

No. 30.—Signed, Rich. Bourke.

Ordinance for granting Licences for the Sale of Wines, Malt Liquors, and Spirituous Liquors. ⁽¹⁾

WHEREAS the several Ordinances, Proclamations, and Enactments now in force for regulating the manner of granting Licences for the Sale of Wines, Malt Liquors, and Spirituous Liquors, and for regulating the Pacht, or Farming out the Monopoly of retailing Wines, Malt Liquors, and Spirituous Liquors, are found to be inconvenient, and it is expedient that the Laws concerning such Licences and the Pacht should be repealed, and some further provision made as to the mode of granting such Licences : Be it therefore enacted, by His Honor the Lieutenant-Governor in Council, that from and after the 1st day of January 1828, the Proclamations or Ordinances of the 26th August 1801,—29th August 1804 31st July 1812,—22d August 1817,—23d August 1819, 30th June 1820,—25th August 1820,—27th July 1821, 22d August 1821,—22d February 1822,—14th November 1823,—and all other Laws now in force in this

(¹) Allowed by the Home Government, but altered and amended by Ordinance No. 54 ; and wholly repealed by Ordinance No. 93—1832

Colony relative to the said Licences and the said Pacht No.30. shall be repealed, and the same are hereby repealed ; 1827.
 save and except so far as the said Laws, or any of them, relate to or concern the prosecuting, suing for, and recovering of, any Rent or Duties, agreed to be paid, or which are imposed by virtue of the said Laws, or any of them, which shall remain then due and unpaid ; and save and except so far as the said Laws, or any of them, relate to the recovering of any Fine or Penalty for any Offence against any of the said Laws which shall have been, or shall be, committed before the said 1st day of January 1828, and shall remain then due and unpaid.

2. And be it further enacted, That it shall and may be lawful for the Commissioner of Stamps in Cape Town, and the Distributors of Stamps in the several Districts of the Colony, respectively, and they are hereby authorised and required, to grant Licences for the Sale of Wines, Malt Liquors, and Spirituous Liquors, to Persons residing within their respective Districts, who shall make such applications and comply with such regulations as are hereinafter mentioned.

3. And be it further enacted, That no Licence shall be granted for the Sale of such Liquors aforesaid, or any of them, by retail, by the Commissioner of Stamps in Cape Town, unless the Party applying for such Licence produce a certificate of character granted by the Permanent Sitting Commissioner or Judge of Police for Cape Town, nor by the Distributors in the said Districts, respectively, except upon production of a like certificate from the Landdrosts or Resident Magistrates, or other Persons who may hereafter be empowered to grant the same for their respective jurisdictions, which certificate shall be in the form following :—

“ I, A. B. Permanent Sitting Commissioner (or Judge of Police
 “ in Cape Town, or Landdrost, or other Officer, as the case may
 “ be), do certify, that C. D. is a Person of good fame, and a fit
 “ and proper Person, and duly entitled, to receive a Licence for
 “ selling Wines, Malt Liquors, and Spirituous Liquors, by retail,
 “ (or Malt Liquors by retail), at No. in Street,
 “ in Cape Town (or at in the District of
 “ as the case may be),

“ Dated this day of 18

(Signed) “ A. B. Permanent Sitting Commissioner
 “ (or Judge of Police in Cape Town,
 “ or Landdrost, or other Officer, as
 “ the case may be).”

No. 30. And it shall be mentioned in every such Licence, that such
 1827. certificate was produced, and for what house or place such Licence is granted, otherwise it shall be null and void; and all applications for certificates as aforesaid, are for Cape Town, to be made through the Clerk of the Permanent Sitting Commissioner or Judge of Police, and for the Country Districts respectively, through the respective District Secretaries, Clerks of the Resident Magistrates or other Officers, who, for the time being, shall perform the duties of such Persons, who are hereby required to keep a Register of such applications and such certificates as shall be granted.

4. And be it further enacted, That the Clerk of the Permanent Sitting Commissioner or Judge of Police, the District Secretary, Resident Magistrate's Clerk, or other Officer as aforesaid, neglecting to register such applications and certificates, or registering certificates not duly granted, shall incur and be liable to the payment of a fine of Fifty Pounds Sterling.

5. And be it further enacted, That if any Person duly licensed to sell any such Liquors as aforesaid, shall die before the expiration of such Licence, or shall wish to assign the same, it shall and may be lawful for the Persons authorised to grant Licences as aforesaid, to transfer the Licence by indorsement, to the Heirs, Executors, or Administrators of the Person so dying, or to such Assign as aforesaid, upon their obtaining such certificate as aforesaid, and entering into such recognizance with such Sureties as are hereinafter directed.

6. And be it further enacted, That if any Person to whom any such Retail Licence as aforesaid shall have been granted, and which shall be then in force for any one place, shall desire to remove to and carry on his business at any other place, it shall and may be lawful for him to apply to the Judge or Resident Magistrate, within whose jurisdiction he shall then reside for permission so to do, and in case of removal into another jurisdiction, to make a like application to the Judge or Resident Magistrate of such other jurisdiction, and such Judge or Resident Magistrate, or Magistrates, shall thereupon in their discretion respectively, grant a certificate of such permission having been obtained, and which application and certificate shall be registered as in manner, and under such penalties as in the 3d and 4th Section of this Ordinance is set forth with respect to applications and certificates therein mentioned, and the Commissioner or Distributor of Stamps of the District in which the place is situate, to which the Person is about to remove, is hereby required upon

production of such certificates as aforesaid, signed by the Judge or Resident Magistrate of the jurisdiction to and from which such Person has removed, in cases of removal from one jurisdiction to another, and of such certificate as aforesaid, signed by the Judge or Resident Magistrate of the District, when such Person does not remove from his former jurisdiction, to indorse upon the Licence of such Person the name and description of the place to which he is about to remove, and also to indorse thereon, that the difference of the value of the Stamp has been paid, in cases of removal to a place where a Stamp of larger amount is required than that on which the former Licence was granted. And if the Commissioner or any Distributor of Stamps shall omit or neglect to make any such indorsement as aforesaid, he shall incur and be liable to the payment of a fine of Fifty Pounds Sterling.

7. And be it further enacted, That all Licences for the sale of the Liquors aforesaid, be issued on paper stamped, of the value set forth in the Schedule marked (A), hereunto annexed, and such Licences shall be in force for one whole year, commencing on the 1st of January in each year.

8. And be it further enacted, That it shall and may be lawful for the Commissioner of Stamps in Cape Town, or any Distributor in a Country District, at his discretion, to grant a Licence to sell by Retail, Wines, Malt Liquors and Spirituous Liquors, in manner hereinbefore mentioned, upon obtaining such security as he shall judge sufficient for the payment of the amount of Stamp duty, charged on every such Licence respectively, in quarterly instalments, payable in advance on or before the commencement of the Licence, or the last day of the current quarter: and if any Dealer by Retail, as aforesaid, shall sell any of the Liquors aforesaid, whilst the payment of any instalment due by him shall remain in arrear, he shall, notwithstanding his Licence incur the pains and penalties imposed by this Ordinance on any Person or Persons convicted of selling by Retail without a Licence, any thing contained in this Ordinance to the contrary notwithstanding.

9. And be it further enacted, That every Person to whom any such Retail Licence shall have been granted as aforesaid, for Cape Town, shall thereupon enter into a recognizance before the said Commissioner of Stamps, and every Person to whom any such Retail Licence shall have been granted as aforesaid for any Country District, shall thereupon enter into a recognizance before the Distributor of Stamps for such District, in the sum of Fifty Pounds Sterling, with two sufficient Sureties in the sum of Twenty-five Pounds Sterling

No. 30. each, which recognizance, with the condition thereof, shall
 1827. be in the form prescribed by the Schedule to this Ordinance marked (B); and in case the Person applying for such Licence shall be hindered, through sickness, infirmity, or other reasonable cause, to attend in Person, for the purpose of entering into such recognizance, it shall and may be lawful for the Persons aforesaid empowered to grant such Licences, to permit two sufficient Sureties to enter into such recognizance, each Surety in the penalty of Fifty Pounds Sterling, for performance of the conditions of the said recognizance, and which said recognizance shall be acknowledged in the presence of, and signed by the said Commissioner and Distributors of Stamps respectively, as the case may require; and the same, with the condition thereof, shall be sent to the Permanent Sitting Commissioner or Judge of Police in Cape Town, or the Landdrost or Resident Magistrate, as the case may be, to be by them duly entered and recorded; and that for every such Licence granted without such recognizance, and for every such recognizance taken and not sent as aforesaid, the Commissioner or Distributor of Stamps signing such Licence, shall incur and be liable to the payment of a fine of Fifty Pounds Sterling.

10. And be it further enacted, That any licenced Person who shall be lawfully convicted before the Permanent Sitting Commissioner or Judge of Police, or Resident Magistrate respectively, of any offence against the condition of any subsisting recognizance entered into by him, shall, for the first offence, incur and be liable to the payment of a sum not exceeding Ten Pounds Sterling; and for any subsequent offence, it shall be lawful for the said Magistrates respectively, to impose a fine of Twenty Pounds Sterling, or declare the said recognizance of such Offender forfeited, at their discretion.

11. And be it further enacted, That every Wholesale Licence to be granted by such Persons as aforesaid, after the passing of this Ordinance, shall be in the form prescribed by the Schedule to this Ordinance, marked (C); and every Retail Licence for the sale of Wines, Malt Liquors, and Spirituous Liquors, shall be in the form prescribed by the Schedule marked (D); and every Retail Licence for the sale of Malt Liquors only, shall be in the form prescribed by the Schedule marked (E); and the Commissioner and Distributors of Stamps shall keep a Register of all Licences so granted, a copy of which, attested by the said Commissioner or Distributors respectively, shall be deemed good evidence of such Licences having been granted.

12. And be it further enacted, That any Licence which No. 30.
shall be found to have been fraudulently obtained, shall be 1827.
null and void ; and any Person who shall forge or counterfeit
any Licence or Certificate, or write any name on any such
Licence, to resemble, imitate, or represent the name of any
Commissioner or Distributor of Stamps ; or write any such
name in any such Certificate, to resemble the name of the said
Permanent Sitting Commissioner, Judge of Police, or other
Magistrate empowered to grant the same ; or shall tender or
produce any Paper with such counterfeit name, or writing
therein, knowing such name or writing to be counterfeit ; or
shall take or receive any sum of money for signing or procuring
counterfeit signatures to such Licences or Certificates ;—
every Person so offending, being lawfully convicted thereof,
shall incur and be liable to a fine of One Hundred Pounds
Sterling, and shall, upon prosecution and conviction, suffer
such pains and penalties as by the Laws of this Colony are,
or hereafter may be, imposed upon Persons convicted of
Forgeries or Frauds of this or the like nature.

13. And be it further enacted, That from and after the 1st
day of January next, any Person who shall sell any of such
Liquors as aforesaid, by Wholesale or Retail, without having
obtained a Wholesale or Retail Licence respectively ; or who
having obtained such Licences respectively, shall sell any such
Liquors excepting upon the premises mentioned in his Licence,
(except as hereinafter excepted with respect to Dealers by
wholesale,) shall, if a Retail Dealer, incur and be liable to
the payment of a fine of double the amount of the Licence
required by Law, to be taken out in such cases respectively ;
and if a Wholesale Dealer, to a fine of One Hundred Pounds
Sterling.

14. And be it further enacted, That from and after the
1st day of January next, any Person who shall sell any of
such Liquors as aforesaid, in quantities of 19 Gallons or
upwards, unless the same be Wine or Brandy, the produce
of his own Land or Farm, and shall be sold on such Land or
Farm, or in the Public Market, or to a Licenced Dealer by
Wholesale, or Retail, such Person shall, for the pur-
poses of this Ordinance, be deemed a Dealer by Whole-
sale and shall take out a Licence accordingly ; and any
Person who shall sell any of such Liquors as aforesaid,
in any quantity less than 19 Gallons, shall be deemed a
Dealer by Retail, and shall take out a Licence accordingly :
Provided always, that it shall and may be lawful for any
Person to sell or dispose of his private Stock of Wines, Malt
Liquors, and Spirituous Liquors, provided the same shall

No. 30. have been purchased or obtained for his own use or consumption, or that of his Family, upon giving seven days' previous notice of the intended Sale of the same, together with a true and exact account of of the kinds and quantities of the Liquors intended for Sale, to the Commissioner of Stamps in Cape Town, or Distributor of Stamps, respectively, according as the said Sale is intended to take place in Cape Town or in one of the Country Districts: And provided also, that it shall and may be lawful for any Person to sell any of the Liquors aforesaid by Public Auction, or to sell any of the Liquors aforesaid by private Contract, or otherwise, to a Licensed Wholesale or Retail Dealer, upon giving seven days' notice as aforesaid, without taking out any of the Licences mentioned in this Ordinance; and provided also, that nothing herein contained shall extend or be construed to extend to require a Licence for Sales of any of the Liquors aforesaid, made by any Sheriff or other Officer acting under the authority or warrant of any Court, Judge, or Magistrate.

15. And be it further enacted, that nothing in this Ordinance contained shall prevent, or be construed to prevent, any Dealer in the Liquors aforesaid, to whom a Wholesale Licence shall have been granted, to keep or store any of the Liquors aforesaid, in any number of Stores or Places; Provided, that no one of such Stores or Places be distant from any other of such Stores or Places more than two miles, and that the description of all such Places be entered in the Licence; otherwise such Dealer shall incur and be liable to such penalties as by this Ordinance are imposed upon Persons dealing by wholesale without a Licence. And be it further enacted, that from and after the first day of January next, it shall not be lawful for any Licensed Dealer as aforesaid, to admit into or retain in any such Store or Place, any of the Liquors aforesaid, not being *bona fide* his Property, under a penalty of Fifty Pounds Sterling.

16. And be it further enacted, That Persons in Partnership, and carrying on business under one Firm and in one House or Shop only, shall not be required to take out more than one Licence.

17. And be it further enacted, That from and after the first day of January next, every Person having obtained any such Licence as aforesaid, shall cause to be affixed on some conspicuous place on the outside of his House, Shop, Store, or Stores, and not more than three feet from the top of the door thereof, a Board, on which shall be painted, in Letters, publicly visible and legible, at least one inch long, in white

upon a black ground, or black upon a white ground, his No. 30.
 Name at a full length, (or where there are Partners, the Name 1827.
 or Style of the Firm or Partnership); and after such Name
 or Style, the words "Licensed Dealer, or Dealers, in Wines,
 Malt Liquors, and Spirituous Liquors, by Wholesale or
 Retail," as the case may be, or "Dealer, or Dealers, in
 Malt Liquors," as the case may be, and shall keep up such
 Board or Sign in good condition, during the continuance of
 such Licence; and in default of affixing such Board or Sign,
 or keeping the same in manner as aforesaid, shall incur and
 be liable to the payment of a fine not exceeding Ten Pounds
 Sterling, nor less than Five Pounds Sterling.

18. And be it further enacted, That from and after the first
 day of January next, every Person, not having obtained any
 such respective Licence as aforesaid, who shall affix any Board
 before or on his House, or other place, importing that he is a
 Dealer in the Liquors aforesaid, or any of them, shall, for
 every such offence incur, and be liable to the payment of such
 fine as in the 17th Section of this Ordinance is mentioned, and
 also to the pains and penalties imposed by this Ordinance on
 Unlicensed Dealers.

19. And be it further enacted, that from and after the first
 day of January next, it shall and may be lawful for all Ma-
 gistrates in their respective jurisdictions, and the Distributors of
 Stamps in their respective Districts, and the Commissioner of
 Stamps and the Superintendant of Police in Cape Town, to
 enter Houses where Liquor is sold by retail, or on or before
 which is affixed any Board importing that any of the Liquors
 herein mentioned are there sold by retail, and demand to see
 the Licence; and if the same be not produced, and no good
 reason be given for the nonproduction of the same, it shall be
 lawful for them to seize all such Liquors found therein as are
 mentioned in this Ordinance, and the Vessels containing the
 same, and to forfeit and apply such Liquors and Vessels to the
 use of the Colonial Treasury; and the Occupier of such House
 shall be deemed an Unlicensed Retailer, and be liable to the
 pains and penalties imposed by this Ordinance, for selling the
 aforesaid Liquors by Retail without a Licence.

20. And be it further enacted, That from and after the first
 day of January next, if any Person shall make information
 before the Permanent Sitting Commissioner or Judge of Police
 for Cape Town, or before the Resident Magistrates in the
 Country Districts, and show probable cause that he suspects
 that any Person sells any of such Liquors as aforesaid by
 retail, without such Licence as is required by this Ordi-
 nance, it shall and may be lawful for the said Permanent Sitting

No. 30. Commissioner or Judge of Police, and the Resident Magistrates 1827. in their respective jurisdictions, to summon such suspected Persons before them, and also to summon any other Person before them, to prove the charge against such suspected Persons so summoned; and if such Persons so summoned as Witnesses shall refuse to appear, or shall refuse to be examined upon oath, and give evidence as aforesaid, it shall and may be lawful for the said Permanent Sitting Commissioner or Judge of Police, and the said Magistrates before whom such Person is summoned as aforesaid, to commit every such Offender to Prison for a Period not exceeding One Month.

21. And be it further enacted, That from and after the first day of January next, every Person selling such Liquors, or keeping his House open for the sale of such Liquors as aforesaid, or any of them, between the hours of nine o'clock at night, and six in the morning, on week days; or selling, or keeping his House open for the sale of Wine and Malt Liquors, before two o'clock in the afternoon, and after nine at night, on Sunday; or for the sale of Spirituous Liquors, during any part of Sunday, except for the accommodation of Inmates or Travellers,—shall incur and be liable to the payment of a fine not exceeding Twenty Pounds Sterling, nor less than Ten Pounds Sterling.

22. And for the more effectual prevention of Drunkenness, and for the better preservation of Order, be it further enacted, That it shall and may be lawful for any Magistrate, Justice of the Peace, or Peace Officer, in his respective jurisdiction, to enter any House for which a Retail Licence is granted, and remove all Persons drinking therein, not being inmates or Travellers, between the hours of nine o'clock at night, and six o'clock in the morning, on any day of the week; or drinking Spirituous Liquors therein, at any hour whatever on Sunday; or drinking any Liquor whatever therein before two o'clock in the afternoon and after nine o'clock at night on Sunday, not being inmates or Travellers; and if the Occupier of any such House shall not, on demand of entrance, admit such Magistrates and others as aforesaid, or shall obstruct them in removing Persons drinking therein, he shall incur and be liable to such pains and penalties as are imposed in the 17th Section of this Ordinance.

23. And be it further enacted, That whenever the Judge of Police, or any Resident Magistrate, Justice of the Peace, or Peace Officer, in his respective jurisdiction, shall find any Person drinking any of the Liquors aforesaid in any House or Place where any of the said Liquors shall be sold by retail, and before which House, or Place, no Board shall be affixed, as in the 17th Section of this Ordinance is directed; and the Licence shall not, upon demand, be produced, it shall and may be law-

ful for such Judge of Police, Resident Magistrate, Justice of No. 30. the Peace, or Peace Officer, to apprehend all such Persons so 1827.
found drinking; and such Persons shall, upon conviction, incur and be liable to the payment of a fine not exceeding Five Pounds Sterling, nor less than Forty Shillings Sterling; and in default of payment, it shall be lawful for the Magistrate, or Judge of Police, before whom such conviction is made, to commit such Offenders to Prison to hard labour, for a period not exceeding One Month, and not less than Fourteen Days.

24. And be it further enacted, That no Person employing Journeymen, Workmen, Servants, or Labourers, shall by himself, or by any other Person, pay any Journeyman, Workman, Servant, or Labourer, employed by him, the whole or any part of the Wages due to such Journeyman, Workman, Servant, or Labourer, in or at any House in which any Wine, Malt Liquor, or Spirituous Liquor shall be sold by retail; and every Person so offending, shall, for every such offence, upon being convicted thereof, incur and be liable to the payment of a fine of Five Pounds Sterling; and all payments of all Wages, made in manner aforesaid, shall be null and void.

25. And be it further enacted, That no Person shall be entitled unto, or shall maintain any cause, action or suit, for, or recover at Law, any sum of money, or demand, for, or on account of any Spirituous Liquors sold in any quantity less than one Pint at any one time, nor for or on account of any particular item or article, in any account or demand for Spirituous Liquors so sold, where the quantity shall be less than one pint; and in case any Person shall take or receive any pawn or pledge from any Person, by way of security, for the payment of any sum or sums of money, owing by such Person for Spirituous Liquors, or shall take or receive in payment thereof any articles whatsoever, in lieu of money, every such Person so offending, and being convicted thereof, shall incur and be liable to the payment of a fine not exceeding Ten Pounds Sterling, nor less than Five Pounds Sterling, for every pawn or pledge so taken in or received by him or them; and the Person or Persons to whom any such pawn or pledge shall belong, shall have the same remedy for recovering such pawn or pledge, or the value thereof, as if it had not been given as a pledge.

26. And be it further enacted, That no Person shall have any remedy for, or recover any sum of money, on account of any of the Liquors in this Ordinance mentioned sold knowingly to an Unlicensed Retailer, nor shall any such Unlicensed Retailer have any remedy for, or recover from any Person, any sum of money, on account of any Wines, Malt Liquors or Spirituous Liquors sold by such Unlicensed Retailer; and all contracts,

No.30. bills, promissory notes, bonds, and other writings, given as a
 1827. security for the payment of debts contracted for any Wines, Malt Liquors, or Spirituous Liquors, so sold to or by an Unlicensed Retailer, shall be and are hereby declared to be null and void.

27. And be it further enacted, from and after the first day of January next, That any Person who shall keep any Hotel or Eating House, not being a Licensed Dealer by Retail, and shall sell, consume, or furnish for consumption, in his House, any of the Liquors aforesaid excepting the same be in bottles and shall be purchased from a Person licensed to deal in such Liquors by retail, such Persons shall incur and be liable to the payment of a fine not exceeding Fifty Pounds Sterling, nor less than Twenty Pounds Sterling: Provided always, that nothing herein contained, shall extend to authorise any Keeper of a Hotel or Eating House, not being Licensed as aforesaid, to sell any of the Liquors aforesaid in bottles, to any Person whatsoever, save and except to such Person or Persons as *bona fide* lodge or eat in such Hotel or Eating House.

28. And be it further enacted, That every such Person not being a Licensed Dealer by Retail, and keepiug such Hotel or Eating House as aforesaid, shall, on the first day of January next, make a Return in writing, to the Commissioner or Distributor of Stamps, at the Place or District in which such Hotel or Eating House is situate, of all Wines, Malt Liquors, and Spirituous Liquors, in his possession, and specifying the quantities and kinds thereof, and the names of the Persons from whom the same were purchased respectively; and shall, at the expiration of every subsequent three months therefrom, make a like Return, and also a Return of all such Liquors consumed by him during such periods of three months respectively, and of the Stock of such Liquors then remaining in his Premises; and every Person hereby required to make such Return as aforesaid, and who shall not make such Return, or who shall make a false Return, shall for every offence, incur and be liable to a fine not exceeding Twenty Pounds Sterling, nor less than Ten Pounds Sterling.

29. And be it further enacted, That all offences against this Ordinance committed in Cape Town, or in the Cape District, shall be cognizable before the Permanent Sitting Commissioner or Judge of Police, and all Offences committed in the Country Districts shall be cognizable before the Resident Magistrates of the said Districts respectively, and that all fines or forfeitures which may be incurred by offences against this Ordinance; save and except in such cases where any special provision is herein made, shall and may, upon conviction, be levied

by distress and sale of the Goods of every such Offender, No. 30. rendering to him the overplus, after charge of the said distress and sale deducted, by Warrant under the hand of the Judge or Magistrate convicting such Offender; and shall be paid, one half thereof to the Colonial Treasury, and the other half thereof to the Informer; and if no sufficient distress shall be found, then the said Judge or Magistrate shall and may commit every such Offender, so respectively convicted as aforesaid, to Prison, for a space not exceeding Six Months, nor less than One Month, unless payment should be sooner made of the fine or fines in which such Offender shall have been convicted; or unless the said Offender shall, within three days from such conviction, give sufficient security to the Judge or Magistrate before whom he was convicted, that he will prosecute an Appeal, if from the Sentence of the Judge of Police in Cape Town, to the Supreme Court, within fourteen days, and if from the sentence of a Resident Magistrate, to the next ensuing Court of Circuit to be holden in the District; Provided always, that no Appeal shall lie when the Penalty on such conviction shall not exceed the sum of Twenty Pounds Sterling.

30 And be it further enacted, That for the purposes of this Ordinance, the Military Posts at Fort Beaufort, Fort Willshire, and on the Koonap River, shall be deemed within the District of Albany. ⁽¹⁾

Schedule (A.)

	£	s.	d.
For every Licence to sell Wine, Malt Liquors, and Spirituous Liquors, by Wholesale, - - - - -	20	0	0
For every Licence to sell the same by Retail, in Cape Town, and the Districts thereof, and within three miles of Cape Town; in the Residency of Simon's Town, and the District thereof; in the Township of Port Elizabeth, and within six miles thereof; in Graham's Town, and within six miles of any part thereof: at the Military Posts at Hermanus Kraal, Fort Beaufort, Fort Willshire. the Koonap, and Caffre Drift, - - - - -	112	10	0
For every Licence to sell the same by Retail, at Wynberg, Rondebosch, and all other places not more than ten miles distant from Wynberg; excepting such as are not more than three miles distant from Cape Town, and such as are in the District of Simon's Town, - - - - -	75	0	0
For every Licence to sell the same, by Retail at Stellenbosch, the Paarl, Somerset (Hottentots Holland,) Caledon, Swellendam, George, Uitenhage, Port Frances, Bathurst, Somerset, Cradock, Graaff-Reinet, Beaufort, Worcester, Tulbagh, Clanwilliam, and at any other place within six miles of the said places, - - - - -	60	0	0

⁽¹⁾ Vide Ordinances Nos. 54-67-93-94-96--and No. 2-1834, infra.

No.30.

	£	s.	d.
1827. For every Licence to sell the same at any other place within the Colony, - - - - -	22	10	0
For every Licence to sell Malt Liquors only, such Licences being issuable for Cape Town, and the District thereof, and the Residency of Simon's Town only, - - - - -	10	0	0

*Schedule (B.)**Form of Recognizance.*

Place of Residence. } Before me, Commissioner of
 Stamps in Cape Town (or Distributor of Stamps for the District of
), on the day of A. B. residing at
 acknowledges himself to be indebted to our Sovereign Lord the
 King, in the Sum of £ and C. D. and E. F. severally acknow-
 ledge themselves to be indebted to our said Sovereign Lord the King, in
 the Sum of £ to be levied upon their Goods and Lands
 to upon condition, that the said A. B. shall not fraudulently
 dilute or adulterate any Liquor sold by him; and shall not use in the
 selling thereof any Measures that are not of full size, and shall not
 knowingly permit drunkenness, nor tipling, nor get drunk on his Pre-
 mises, and shall not knowingly permit gambling of any kind whatsoever,
 nor shall knowingly permit Men or Women, of notoriously bad fame-
 to assemble in his Premises; nor shall keep open his Premises, nor per-
 mit any drinking therein, between the hours of Nine at night and Six
 in the morning on week days, nor before Two in the afternoon and after
 Nine at night on Sundays, nor sell any Spirituous Liquors during any
 part of the day, on Sundays, excepting for the entertainment of Inmates
 or Travellers, but shall keep good rule and order therein by night and
 by day; then this Recognizance to be void, or else to remain in full
 force.

(Stamp £ .)

*Schedule (C.)**Form of Wholesale Licence.*

I, Commissioner of Stamps in Cape Town (or Distributor of
 Stamps in the District of), on this day of do hereby
 authorise and empower A. B. residing at to sell by Wholesale,
 Wines, Malt Liquors, and Spirituous Liquors, at for One Whole
 Year, from the first day of January and no longer.

(Signed)

(Stamp £ .)

*Schedule (D.)**Form of Licence to sell Wines, Malt Liquors, and Spirituous Liquors
by Retail.*

I, Commissioner of Stamps in Cape Town (or Distributor of
 Stamps in the District of), on this day of do hereby
 authorise and empower C. D. residing at and who has produced
 to me the Certificate required by Law, to sell by Retail, Wines, Malt
 Liquors, and Spirituous Liquors, at and not elsewhere, for
 One Whole Year, from the first day of January, and no longer.

(Signe d)

(Stamp £ .)

Schedule. (E).

No.30.

1827.

Form of Licence to sell Malt Liquors by Retail.

I, Commissioner of Stamps in Cape Town (or Distributor of Stamps in the District of), on this day of do hereby authorise and empower A. B. residing at and who has produced to me the Certificate required by Law, to sell by Retail, Malt Liquors, at and not elsewhere, for One Whole Year, from the first day of January, and no longer.

(Signed)

God save the King!

Given at the Cape of Good Hope, 7th December 1827.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council

(Signed) D. M. Perceval, Clerk of the Council.

No. 31.—Signed, Rich. Bourke.

Ordinance for abolishing the Office of Vendues, and for imposing certain Duties on Licences to be taken out by all Persons acting as Auctioneers, and on Property sold by Auction. (1)

WHEREAS the Regulations for Sale of Property by Vendue, at present in force, are inexpedient, and tend to encourage undue speculation; and whereas it is desirable to open the business of Auctioneering to all Persons willing to exercise the same, under such restrictions, only, as the security of the Public, and the due collection of the Revenue to be derived from Public Sales, seem to require: Be it therefore enacted, by His Honor the Lieutenant-Governor in Council, that from and after the first day of January 1828, all Laws now in force in this Colony, for establishing the Offices of Vendues, and for regulating the Sale of Property by Vendue, be repealed, and the same are hereby repealed; save and except so far as the said Laws, or any of them, relate to, or concern the suing for, and recovering of, any Duties imposed by the said Laws, or any of them, or any sum or sums of Money due upon Vendue Notes, or Rolls, or in any manner become due

(1) Allowed by the Home Government.

No. 31. by reason of any Vendue Sale and which shall be in arrear 1827. on or after the first day of January 1828.

2. And be it further enacted, That from and after the first day of January, 1828, it shall be lawful for any Person complying with the Regulations hereinafter mentioned, to exercise the trade or business of an Auctioneer, upon taking out a Licence, which shall be in force for One Year from the date thereof, and no longer, from the Commissioner of Stamps in Cape Town, or the Distributors of Stamps in the several Districts of the Colony, within their respective Districts, on paper stamped, to the value of Three Pounds Sterling, and which shall contain the true name and residence of the Person taking out such Licence; and if any Person shall exercise the said trade or business of an Auctioneer, without having a Licence, in force at the time when he shall so exercise the said trade or business, or sell by way of Auction as aforesaid, he shall for every such offence, incur and be liable to the payment of a fine of One Hundred Pounds Sterling. (')

3. And be it further enacted, That from the said first day of January 1828, a Duty of and at the rate of Four Pounds Sterling for every Hundred Pounds Sterling of the Purchase Money, shall be imposed on all moveable Property, and a Duty of and at the rate of Two Pounds Sterling for every Hundred Pounds Sterling of the Purchase Money on all immoveable Property, which shall be sold by Auction in this Colony.

4. And be it further enacted, That the several Duties aforesaid shall be a charge upon the Auctioneer, after the knocking down of the hammer or other closing of the bidding, at every Sale by way of Auction.

5. And be it further enacted, That every Person taking out such Licence as aforesaid, shall, within three days after receiving the same, give security by Bond to the Collector of Taxes in Cape Town, if such Person reside in Cape Town, and to the Civil Commissioner of the District in which such Person resides, if he resides in the Country, in the sum of Five Hundred Pounds Sterling and two sufficient Sureties in the Sum of Two Hundred and Fifty Pounds Sterling each, that he will render an exact and true account in writing, of the total amount of the Money bid at each Sale, and of the several Lots which have been there sold, and the Price thereof respectively; and for that purpose shall produce all Books kept by him, relative thereto, on the first day of every month, to the Collector of Taxes in Cape Town, and on the first day of every quarter, to be computed from the first of January 1828, in the other Dis-

(') *Vide Ordinances Nos. 44 § 17—50 § 23—Nos. 52 and 92.*

tricts, to the Civil Commissioners respectively, according to the residence of such Person, and shall, within two months from the date of such Sales respectively made in Cape Town, and within three months in the Country Districts, make payment of all sums of Money imposed by way of Duty by this Ordinance, and with which Auctioneers are chargeable as aforesaid; and he or the Person who acted as Clerk at such Sale, if any, shall make oath to the truth of every such Account before the said Collector or Civil Commissioners respectively, and in case the Auctioneer giving such Bond shall neglect to deliver in his Account or shall deliver in a false Account, or shall not produce his Books, or shall make default in payment of the Duties with which he is chargeable, it shall be lawful for the said Collector or Civil Commissioner respectively, to cause such Bond to be put in suit, unless they shall find sufficient cause to forbear the same; and thereupon, in case of Judgment being given against the Defendant, such Licence shall become null and void. No. 31. 1827.

6. And be it further enacted, That every Auctioneer shall, within three days at least before he begins any Sale or Auction, deliver at the Office of the Collector of Taxes in Cape Town, or the Civil Commissioners in the Country Districts, as the case may be, a Notice in writing, signed by such Auctioneer, specifying the day when such sale is to begin, and if any Auctioneer shall sell any Property by way of Auction, without delivering such Notice as aforesaid, he shall for every such offence, incur and be liable to the payment of a fine of Fifty Pounds Sterling.

7. And whereas it may sometimes happen, that Sales at Auction of Property may be rendered null and void, by reason that the Person for whose benefit the same shall be sold, had no title or no right to dispose of the same, be it further enacted, That from and after the first day of January 1828, if any Sale by Auction, of any Estate, Goods, or Chattels, shall be rendered void by reason that the Person for whose benefit the same was so sold had no title to the same, or no right to dispose thereof, then in every such case, it shall be lawful for the Auctioneer who paid the Duty for the Property so sold, or for the Person for whose benefit the same was so sold, to lay his complaint before the Collector of Taxes or Civil Commissioners within whose jurisdiction respectively such sale was made, who are hereby required and empowered to hear all such complaints, and to examine all Witnesses produced upon oath, and shall report the case for the information of the Governor in Council for the time being, in order that the party may be relieved of so much of his payment as shall appear to have been overpaid.

8. And it is hereby further enacted, That in case the real

No. 31. Owner of any Property put up to Sale by Auction shall become
 1827. the purchaser by means of his own bidding, or the bidding of any other Person on his behalf, without fraud or collusion, then the said Collector of Taxes, and Civil Commissioners respectively, shall make an allowance to such Owner of the Duties hereby imposed upon such bidding, provided notice be given to the Auctioneer before such bidding, both by the Owner and the Person intending to be the bidder, of the latter being appointed by the former, and having agreed accordingly to bid at the sale on behalf of the Seller, and provided such notice be verified by the oath of the Auctioneer, as also the fairness and reality of the said transaction, to the best of his knowledge and belief; and in case any dispute shall arise, whether such purchase by the Owner was not made by collusion, or in order to lessen the full sum hereby appointed to be paid, or concerning the fairness of such transaction, then and in such case, proof thereof shall lie upon the Person acting as Auctioneer, and on failure thereof, or in case of any unfair practice, then no such allowance shall be made as aforesaid.

9. Provided always, and it is hereby further enacted, That nothing in this Ordinance shall extend, or be construed to extend, to charge for the said Duties any Property sold by Auction, under the authority of the Sequestrator, or Sheriff, or other Person duly authorised, for the benefit of Creditors, in execution of any Judgment, or other legal Process, nor to charge any Property of Bankrupts, or Insolvents, sold by order of the Sequestrator, Assignees, or other Persons duly authorised, under any Commission of Bankruptcy or Regulation for the Sale of Bankrupt or Insolvent Estates, now in force or hereafter to be made in this Colony; nor to charge any Goods damaged by Fire, and sold by order of and for the benefit of the Insurers of such Goods, nor to charge any Ships or Goods that may be wrecked or stranded, and sold by Auction for the benefit of the Insurers or the Proprietors thereof.

10. And for the better and more effectual preventing of frauds which may be practised by Auctioneers selling Property under the authority of the Sequestrator, Sheriff, or other Person duly authorised to sell in execution of any legal Process for the benefit of Creditors. or under the order and direction of the Assignees, or other Person duly authorised under any Commission of Bankruptcy, or Regulation for the Sale of any Bankrupt or Insolvent Estates, now in force or hereafter to be made in this Colony, be it further enacted, That from the said 1st of January, 1828, every Auctioneer, who shall sell by Auction any Property that has been seized by the Sequestrator, Sheriff, or other Person duly authorised, and taken by him for the benefit of Creditors, in execution of any Judgment or other legal Process obtained,

shall specify in a Catalogue by him to be delivered to the Collector No. 31. of Taxes, if such sale shall be made in Cape Town, and to the Civil Commissioners respectively, if such sale shall be made in the Country Districts, the particulars of the Property to be sold, and the exact Sum to be levied under such Execution; and the Sequestrator, Sheriff, or other Person duly authorised, is hereby required to sign every such Catalogue, and to certify at the foot thereof, that all the Property therein specified, was really and truly the Property of the Person against whom such Judgment or other legal Process was obtained, and that every part thereof was actually seized in execution of such Judgment or other legal Process; and every Auctioneer who shall be employed by the Sequestrator, Assignees, or other Person duly authorised, under any Commission of Bankruptcy, or Regulation for the Sale of any Bankrupt or Insolvent Estates, now in force, or hereafter to be made in this Colony, to sell the Property of any Bankrupt, or Insolvent, shall likewise specify and enumerate in a Catalogue to be by him delivered as aforesaid, the particulars of the Property then to be sold, and the Sequestrator, Assignees, or other Person duly authorised, under such Commission, are hereby required to sign such Catalogue, and to certify at the foot thereof, that all the Property therein specified was really and truly the Property of the said Bankrupt or Insolvent at the time of suing forth the Commission or other legal Process, which respective Catalogues, certified and signed as aforesaid, shall be produced by every such Auctioneer to every Person to whom by this Ordinance he is directed to deliver his Account, before such Auctioneer shall be permitted to pass his Account, or to have the same allowed; and if such Sequestrator, Sheriff, Assignees, or other Persons duly authorised as aforesaid, shall insert, or permit to be inserted, in any such Catalogue, any Property whatsoever other than such as was really and truly the Property of the Debtor, Bankrupt, or Insolvent respectively, or if the Sequestrator, Sheriff, or other Person duly authorised, shall omit or neglect to certify on such Catalogue the true sum to be levied, or shall certify therein any false sum to be levied, then and in every such case the Party offending shall, for every such offence, incur and be liable to the payment of a fine of One Hundred Pounds Sterling. ⁽¹⁾

11. And be it further enacted, That from and after the said first day of January 1828, every Auctioneer who shall be employed to sell any shipwrecked Property, for the benefit of the Insurer or Proprietor thereof, or any Property damaged by Fire,

(1) *Vide* Ordinance No. 92.

No.31. sold by order of and for the benefit of the Insurer thereof, shall 1827. specify and enumerate in such Catalogue as aforesaid, the particulars of such Property then to be sold; and the Proprietor, Agent, or Insurer, of such shipwrecked Property, (or Proprietors, Agents, or Insurers, if more than one) as the case may be, and the Insurer or Insurers, if more than one, of such Property damaged by Fire, is and are hereby required to sign such Catalogue, and to certify at the foot thereof, that all the Property specified was really and truly sold for his or their benefit; which Catalogues, so signed and certified, shall be produced by every such Auctioneer, to the Person to whom such Auctioneer is by this Ordinance, to deliver such Catalogue, before such Auctioneer is permitted to pass his Account, or to have the same allowed; and if such Proprietor, Agent, or Insurer, shall insert, or permit to be inserted in such Catalogue, any Property other than such shipwrecked Property or Property damaged by Fire as aforesaid, really and truly to be sold for his benefit, or omit or neglect to certify in such Catalogue, the true particulars of the Property to be sold, then and in every such case, the Person so offending shall, for every such offence, incur and be liable to the payment of a fine of One Hundred Pounds Sterling.

12. And be it further enacted, That all Offences against this Ordinance shall, if committed in Cape Town or the Cape District, be cognizable before the Permanent Sitting Commissioner or Judge of Police, and if in any other Country District before the Resident Magistrates respectively; and all Fines and Forfeitures imposed by this Ordinance shall and may, upon conviction, be levied by Distress and Sale of the Goods of every such Offender, rendering to him the overplus after charge of the said Distress and Sale deducted, by Warrant under the hand of the Permanent Sitting Commissioner or Judge of Police in Cape Town, or the Resident Magistrates, as the case may be, convicting such Offender, and shall be paid, one half thereof to the use of the Colonial Treasury, and the other half to the Informer; and if no sufficient Distress shall be found, then the said Judge or Magistrate shall and may commit every such Offender so respectively convicted as aforesaid, to Prison, for a period of Twelve Months, or until payment shall be made of the said Fine or Forfeiture, whichever shall first happen, or unless the said Offender shall, within three days from such conviction, give sufficient Security to the Judge or Magistrate before whom he was convicted, that he will prosecute an Appeal, if from the Sentence of the Permanent Sitting Commissioner or Judge of Police in Cape Town, to the Supreme Court, within fourteen days, and if from the Sentence of a Resident Magistrate, to the next ensuing Court of Circuit to be holden in the District.

13. And be it further enacted, That this Ordinance shall take No. 31. effect, and be in force from and after the first day of January 1828. 1827.

God Save the King!

Given at the Cape of Good Hope, 7th December 1827.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council.

No. 32.—Signed, Rich. Bourke.

Ordinance for creating Justices of the Peace in this Colony. (1)

WHEREAS it is expedient for the preservation of the Public Peace, the security of Individuals, and the due execution of the Laws, that Magistrates be appointed in the several districts of this Colony, with Power to apprehend, commit to Prison, or hold to Bail, all Vagrants, Rioters, Robbers, or other notorious Offenders, found within their several Jurisdictions, in order that such Offenders may be brought to Trial, and with Power to do all other such Matters and Things as the said Magistrates may by Law be appointed to do: Be it therefore enacted, and it is hereby enacted, that from and after the passing of this Ordinance, it shall and may be lawful for the Governor or Lieutenant-Governor for the time being, from time to time, as occasion may require, to appoint Justices of the Peace under the Great Seal of the Colony of the Cape of Good Hope, for Cape Town and the District thereof, and the several Country Districts respectively, who shall take and subscribe the Oath of Allegiance, and the Oath of Office, set forth in the Schedule hereunto annexed, before the Chief Justice, or any Judge of the Supreme or Circuit Courts, or before the Civil Commissioner, or any Magistrate of the District for which such Justice is assigned to act (who are hereby empowered and required to administer the same), and the Clerks of the Peace respectively shall enter in the Records of their respective Districts that the said Oaths were duly administered and taken.

(1) Allowed by the Home Government, *vide* also Ordinance No. 73, § 10.

No.32. 2. And be it further enacted, That from and after the passing
 1827. of this Ordinance, the Persons who shall be so appointed as aforesaid to act as Justices of the Peace, shall have power, and are hereby required, to preserve the Public Peace, and for that purpose to call to their aid and assistance all Field-Cornets, Constables, and Peace Officers, Military Officers, and others His Majesty's Subjects, to quell all Riots, Brawls, or other Disturbances, and to lodge all Rioters, Brawlers, Vagrants, and Disturbers of the Peace, in any Prison within their respective Jurisdictions, to be dealt with according to Law; and they are hereby authorised and required to inquire of all Crimes and Offences committed, or alleged to be committed, within their respective Jurisdictions, and for that purpose to summon and examine upon Oath all Witnesses, touching such Crimes and Offences, and to apprehend and cause to be apprehended, all Criminals and Offenders, and to deal with them according to Law: And the said Justices of the Peace are hereby authorised and required, upon information or complaint, in writing, upon Oath, made to them, or any of them, to cause to come before them all those who have used any Threats towards any Person or Persons, whether regarding their Bodies or the Firing of their Houses, and to require of them sufficient Security for the Peace, or their good behaviour towards His Majesty or His Subjects; and if they shall not give such Security, then to cause them to be safely kept in Prison till they shall find such Security.

3. And be it further enacted, That all Justices of the Peace shall cause all informations and complaints made to them, in writing, upon Oath, as aforesaid, and all recognizances or other securities for keeping the Peace, or for good Behaviour, taken by them, to be sent to the Clerk of the Peace, acting for the District or Place for which the said Justices are assigned respectively, within twenty-one days after such information or complaint made or security taken; and for every such information or complaint, made as aforesaid, and not sent as aforesaid, and for every such recognizance or security taken, and not sent as aforesaid, every Justice so offending shall incur and be liable to the payment of a fine of Twenty Pounds Sterling.

4. And be it further enacted, That all Jailors and Keepers of Prisons shall receive into their custody, and safely keep, every Person committed to their charge by Warrant, under the Hand and Seal of any Justice of the Peace, until they be discharged by due course of Law.

5. And be it further enacted, That no Process shall be sued out against, nor any copy of any Process at the suit of a Subject shall be served on, any Justice of the Peace, for any thing by him done in the execution of his Office, until notice in writ-

ing of such intended Process shall have been delivered to him, No. 32.
 or left at the usual place of his abode by the Attorney or Agent 1827.
 for the Party, who intends to sue or cause the same to be sued
 out, or served, at least one Calendar Month before the suing
 out or serving the same; in which Notice shall be clearly and
 explicitly contained, the Cause of Action which such Party has,
 or claims to have, against such Justice of the Peace, on the
 back of which Notice shall be indorsed, the name of such At-
 torney or Agent, together with the place of his abode.

6. And be it further enacted, That no Person shall recover
 any Judgment against any Justice of the Peace, in any case
 where the Action shall be grounded upon any act of the De-
 fendant as Justice of the Peace, unless it is proved upon the
 Trial of such Action, that such Notice was given as aforesaid;
 but in default thereof, such Justice shall be entitled to a Judg-
 ment, and his full Costs.

7. And be it further enacted, That it shall and may be law-
 ful for such Justice of the Peace, within one Calendar Month
 after such notice given as aforesaid, to tender Amends to the
 Party complaining, or to the Attorney or Agent of such Party;
 and in case the same is not accepted, to plead such Tender to
 any Action to be brought against him grounded on such Process,
 together with the Plea of "Not Guilty," and any other Plea
 with the leave of the Court; and if the Court before which
 such Action is brought, shall find the Amends so tendered to
 have been sufficient, then such Court shall give Judgment for
 the Defendant, and in such case, or in case the Plaintiff shall
 not proceed in his Action, or in case Judgment shall be given
 for the Defendant on any Proceeding in the nature of a Demur-
 rer, such Justice shall be entitled to like Costs as he would
 have been entitled to, in case he had pleaded Not Guilty, only;
 and if the Court shall find that no Amends were tendered, or
 that the same were not sufficient, and also against the Defend-
 ant on such other Plea or Pleas, then the said Court shall give
 Judgment for the Plaintiff, and such Damages as the said
 Court shall think proper, together with the Costs of Suit.

8. And be it further enacted, That in case such Justice
 shall neglect to tender any Amends, or shall have tendered
 insufficient Amends, before the Action brought, it shall and
 may be lawful for him, by leave of the Court where such
 Action shall depend, at any time before the hearing of the
 said Cause, to pay into Court such Sum of Money as he shall
 see fit, whereupon such Proceedings, Orders, and Judgments
 shall be had, made, and given in and by such Court, as in
 other Actions where the Defendant is allowed to pay Money
 into Court.

9. And be it further enacted, That no evidence shall be

No. 32. permitted to be given by the Plaintiff, on the Trial of any such
 1827. Action as aforesaid, of any Cause of Action, except such as is contained in the notice hereby directed to be given.

10. And be it further enacted, That no Action shall be brought against any Constable, or other Officer, or against any Person or Persons acting by his order and in his aid, for any thing done in obedience to any Warrant under the Hand or Seal of any Justice of the Peace, until demand hath been made or left at the usual place of his abode, by the Party or Parties intending to bring such Action, or by his, or their, Attorney or Agent, in writing, signed by the Party demanding the same, of the perusal and copy of such Warrant, and the same hath been refused or neglected for the space of six days after such demand; and in case, after such demand and compliance therewith, by shewing the said Warrant to, and permitting a copy to be taken thereof by, the Party demanding the same, any Action shall be brought against such Constable, or other Officer, or against such Person or Persons acting in his aid, for any such cause as aforesaid, without making the Justice or Justices who signed or sealed the said Warrant, Defendant or Defendants, that, on producing and proving such Warrant at the Trial of such Action, the Court shall give their Judgment for the Defendant or Defendants, notwithstanding any defect of Jurisdiction in such Justice or Justices; and if such Action be brought jointly against such Justice or Justices, and also against such Constable, or other Officer, or Person or Persons acting in his or their aid, as aforesaid, then on proof of such Warrant, the Court shall find for such Constable or other Officer, and for such Person or Persons so acting as aforesaid, notwithstanding such defect of Jurisdiction as aforesaid; and if the Judgment shall be given against the Justice or Justices, that in such case, the Plaintiff or Plaintiffs shall recover his or their Costs against him or them, to be taxed in such manner by the proper Officer, as to include such Costs as such Plaintiff or Plaintiffs are liable to pay to such Defendant or Defendants, for whom such Judgment shall be found as aforesaid.

11. And be it further enacted, That where the Plaintiff in any such Action, against any Justice of the Peace, shall obtain a Judgment, in case the Judge before whom the Cause shall be tried, shall, in open Court, certify on the back of the Record, that the injury for which such Action was brought was wilfully and maliciously committed, the Plaintiff shall be entitled to have and receive double Costs of Suit.

12. And be it further enacted, That no Action shall be brought against any Justice of the Peace, for any thing done in the execution of his Office, or against any Constable, or other

Officer, or Person acting as aforesaid, unless commenced within No. 32.
six Calendar Months after the Act committed. 1827.

Schedule.

Form of the Oath of Allegiance.

I, do sincerely promise and swear, that I will be faithful,
and bear true Allegiance to His Majesty King George. So help me God!

Form of the Oath of Office to be taken and subscribed by Justices of the Peace.

I, A. B. do swear, that as Justice of the Peace in the of
in all Articles in the Governor or Lieutenant-Governor's Com-
mission to me directed, I will do equal Right to the Rich and to the Poor,
to the best of my Ability and Power, and according to the Laws and
Customs of the Colony, and Ordinances and Proclamations thereof:
And I will not be of Counsel of any Quarrel depending before me:
And the Issues, Fines, and Amerciaments that shall happen to be made,
and all Forfeitures that shall fall before me, I will cause to be entered
without any concealment or embezzling, and will truly send them to the
Colonial Treasury, or otherwise dispose of them according to Law: I
will not obstruct the course of Justice for Gift or other Cause, but well
and truly will discharge my duty as Justice of the Peace, without
Partiality, Favour, or Affection. So help me God!

God save the King!

Given at the Cape of Good Hope, 11th December, 1827.

By Command of His Honor the Lieutenant-Governor,
(Signed) R. Plasket, Secretary to Govt.

By Order of the Council,
(Signed) D. M. Perceval, Clerk of the Council.

No. 33.—Signed Rich. Bourke.

*Ordinance for creating Resident Magistrates and Clerks
of the Peace in certain Districts and Places in this
Colony. (1)*

WHEREAS His most Gracious Majesty's Charter, for the
better and more effectual Administration of Justice in
this Colony, bearing date the 24th day of August last,
authorises and empowers the Governor, or Lieutenant-
Governor, for the time being, of this Colony, with the
advice of the council of Government, by any Laws and

(1) Allowed by the Home Government,—But altered and partially re-
pealed by Ordinance No. 89.—Vide also Ordinances No. 38 § 2, No. 66,
and No. 73 § 10.

No.33. Ordinances to be from time to time made for that purpose,
 1827. to erect, constitute, and establish Courts of request, and other Courts having Jurisdiction in Civil and Criminal Cases within this Colony ; provided, that the Jurisdiction of such Civil Courts shall not be extended to any Case wherein the Sum or Matter in dispute shall exceed the amount or value of Forty Pounds, Sterling Money, or wherein the Title to any Lands or Tenements, or any Fee, Duty, or Office, may be in question, or whereby Rights in future may be bound ; and provided also, that the Jurisdiction of such Courts in Criminal Cases shall not be extended to any Case wherein any Person may be accused of any Crime punishable by Death, Transportation, or Banishment from the said Colony : And whereas it is expedient, that from and after the first day of January, 1828, the Courts of Landdrost and Heemraden, and of Landdrost and Commissioned Heemraden now established in the several Districts of the Colony, the Courts of Deputy Landdrost and Heemraden and Deputy Landdrost and Commissioned Heemraden in the Subdistricts of Clanwilliam and Beaufort, the Courts of the Residents at Simon's Town, Port Elizabeth, and Port Frances, and the Jurisdiction of the Special Heemraden at Tulbagh, Caledon, and Cradock, should be abolished : And whereas it is necessary that some other provision be made for the Admistration of Justice, and for the due Registration and Legalization of Marriage in the said Districts, Subdistricts, Residencies, and Places, in lieu of the said Courts and Jurisdictions—Be it therefore enacted by His Honour the Lieutenant-Governor in Council, that from and after the said first day of January 1828, the said several Courts and Jurisdictions shall be abolished, cease, and determine ; and that it shall and may be lawful for the Governor, or Lieutenant-Governor, for the time being, from time to time as occasion may require, to appoint under the Great Seal of the Colony, one Magistrate, who shall be called the Resident Magistrate, for each of the Districts of Stellenbosch, Worcester, Swellendam, George, Uitenhage, Albany, Somerset, Graaff-Reinet, and for each of the Subdistricts of Beaufort and Clanwilliam, for the Residency of Simon's Town, and for the Township of Port Elizabeth, and to appoint one Clerk of the Peace for such Districts and Places as in his discretion he may think fit.

2. And be it further enacted, That every Person who shall

be appointed Resident Magistrate, or Clerk of the Peace, as No.33. aforesaid, shall take the Oath of Allegiance and the Oath of 1827. Office, set forth in the Schedule hereunto annexed, before the Chief Justice, or any Judge of the Supreme or Circuit Courts, or before any Justice of the Peace of the District or Place for which such Resident Magistrate is appointed to act, who are hereby empowered and required to administer the same, and the Clerks of the Peace, respectively, shall enter in the Records of their respective Districts, that the said Oaths were duly administered and taken.

3. And be it further enacted, That the said Resident Magistrates shall have Jurisdiction in all Civil Cases within the Districts and Places for which they are appointed respectively, wherein the Sum or Matter in dispute shall not exceed the amount or value of Ten Pounds Sterling, and wherein the Title to any Lands or Tenements, or any Fee, Duty, or Office, is not in question, and whereby Rights in future cannot be bound.

4. Provided always, and be it further enacted, That it shall and may be lawful for any Party who shall think himself aggrieved by the Judgment or Decree of any such Resident Magistrate, to enter into sufficient security to prosecute an Appeal therefrom before the next ensuing Circuit Court which shall be held in the District wherein such Judgment or Decree was given; or if such Judgment or Decree be given in Simon's Town, then before the Supreme Court within twenty-one days: Provided always, and it is further enacted, that no Appeal shall be admitted wherein the Sum or Matter in dispute shall be less than Forty Shillings Sterling.

5. And be it further enacted, That the said Resident Magistrates shall have Jurisdiction, without Appeal, in all cases of Crimes and Offences wherein any Person may be accused of any Crime, not punishable by Death, Transportation, or Banishment from this Colony: Provided always, that it shall not be lawful for any such Resident Magistrate, to punish any Offender in any higher or more severe manner than by Fine, not exceeding the amount of Five Pounds Sterling, and Imprisonment, with or without hard Labour, for a period not exceeding One Month, or by Whipping privately in Prison; except as to such Crimes or Offences for the commission of which any higher or more severe punishment, whether by Fine or Imprisonment, is or shall be provided, and in which Jurisdiction is or shall be expressly given to the said Resident Magistrates by any special Law or Ordinance.

6. And be it further enacted, That every Resident Magistrate shall hold a Court, and inquire of all Causes or Actions, whether Civil or Criminal, which shall be brought before him, and of which Jurisdiction is hereby given to him, in the Court Room of

No. 33. his District or Place, on two days of the week at least, and 1827. oftener, as occasion may require.

7. And be it further enacted, That all Sentences, Decrees, Judgments, Writs, Summonses, Notices, Rules, Orders, Warrants, Commands, and other Proceedings of the said Resident Magistrate's Court, shall be made in the English Language; and in all Criminal Cases, the Witnesses against and [for any accused Person or Persons, shall deliver their Evidence *viva voce*, and in open Court.

8. And be it further enacted, That the Clerks of the Peace shall conduct all Public Prosecutions in all cases of Crimes and Offences cognizable and tried by the Courts of the said Resident Magistrates in their respective Districts; and it shall be lawful for the Attorney-General to appoint a competent Peace Officer for the Residency of Simon's Town, and a like Officer for the Township of Port Elizabeth, who shall act as Public Prosecutor, before the Resident Magistrates for the said places respectively.

9. And be it further enacted, That the said Clerks of the Peace, for their several Districts respectively, shall also conduct all Public Prosecutions, for Crimes and Offences which may be tried at any Circuit Court, to be holden for their Districts respectively, unless in such case or cases where the Attorney-General shall think fit to appoint some other Person.

10. And whereas the abolition of the Courts of Landdrost and Heemraden in the several Districts aforesaid, and of the Jurisdiction of the Special Heemraden at Tulbagh, Caledon, and Cradock, renders it necessary that some provision should be made for the due Registration and Legalization of Marriages: Be it therefore enacted, that from and after the said first day of January, 1828, the Resident Magistrate and the Clerk of the Peace, for the several Districts and Places for which they are assigned to act respectively, shall form the Matrimonial Court, or Board, in such Districts and Places, and any Justice of the Peace for the Districts of Worcester, Swellendam, and Somerset, together with the Field-Cornet of the Place, shall form the Matrimonial Court, or Board, at Tulbagh, Caledon, and Cradock, respectively; and all Registrations for Marriage shall be made in the said Courts, and all Certificates of Registration shall be granted by the said Clerks of the Peace, and Justices' Clerks, respectively, in like manner as such Registrations were made, and such Certificates were granted, in the Courts hereby to be abolished.

11. And be it further enacted, that every Matter and Thing which was necessary to be done and performed for the due Registration and Legalization of Marriage in the Courts hereby to be abolished, shall be required to be done and performed,

and shall be of like force and effect in the Courts hereby to be created. No. 33.
1827.

12. And whereas by virtue of certain Proclamations and Ordinances enacted in times past, certain Crimes and Offences therein set forth, have been made cognizable by the said Courts of Landdrost and Heemraden, and of Landdrost and Commissioned Heemraden, and by the Courts of Deputy Landdrost and Heemraden, and Deputy Landdrost and Commissioned Heemraden, and by the Courts of the Residents at Simon's Town, Port Elizabeth, and Port Frances: Be it therefore enacted, that from and after the first day of January, 1828, all such Crimes and Offences as are now by any special Law or Ordinance cognizable respectively, by any of the Courts hereby to be abolished, shall become cognizable by the Courts hereby to be created: Provided always, that such Crimes and Offences shall not be punishable by Death, Transportation, or Banishment from the Colony.

Schedule.

Form of the Oath of Allegiance.

I, A. B. do sincerely promise and swear, that I will be faithful and bear true Allegiance to His Majesty King George. So help me God!

Form of the Oath of Office.

I, A. B. do promise and swear, that I will faithfully and diligently execute, to the utmost of my Abilities, the several Duties of the Office of Resident Magistrate which has been conferred upon me. So help me God!

God save the King!

Given at the Cape of Good Hope, 19th December 1827.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. Plasket, Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council

No. 34.—Signed, Rich. Bourke.

Ordinance for dissolving the Burgher Senate. ⁽¹⁾

WHEREAS it has appeared to His Majesty's Government, that the various important Duties which have from time to time been assigned to the Burgher Senate in this Colony, have, from increase of Population and other causes, become

(1) Allowed by the Home Government.

No.34. of too complicated and too laborious a nature to be
 1827. exercised by one Body, constituted as the Burgher Senate now is, and that it would be more beneficial for the general interests of the Community, that such Duties should be divided under different Heads, and executed by distinct and separate Officers under the immediate control of Government. And whereas it has been deemed expedient, with this view, to dissolve the Institution of the Burgher Senate as now established; Be it therefore enacted by His Honor the Lieutenant-Governor in Council, that from and after the first day of January 1828, the President and Members of the Burgher Senate, then in office, shall be relieved from all further Duty, and the Burgher Senate shall be dissolved.

2. And be it further enacted, That from and after the first day of January 1828, all Property and all Right, Title, and Interest in, or Claim to, any Property, which was before the time aforesaid vested in, or committed to, the Administration of the said Burgher Senate, of what nature or kind soever the same may be, shall be divested, and shall be vested by virtue of this Ordinance, and without any Deed or Deeds of Transfer, in Charles de Lorentz, Esquire, Superintendant of Police, and Ralph Rogerson, Esquire, Collector of Taxes, who shall have and hold the same in Trust for, and to and for the Use of the Inhabitants of Cape Town.

3. And be it further enacted, That on or before the said first day of January 1828, the Secretary for the time being of the said Burgher Senate shall make out a true and correct Inventory, or Schedule, of all and sundry the Property, Rights, Interest, Debts, and Claims belonging to, or claimed by, the said Burgher Senate, at the time aforesaid, and which was then vested in, or was under the Administration of, the said Burgher Senate; and which Inventory, or Schedule, the said Secretary, and the President and Members of the said Burgher Senate, shall sign and certify to be full, true, and correct, to the best of their knowledge and belief; and the said Inventory, or Schedule so signed and certified, shall, by the said Secretary, be delivered to the said Charles de Lorentz and Ralph Rogerson, Esquires, who shall give two joint Certificates, by way of Receipt, that the same has been delivered to them; one of which said Certificates, or Receipts, shall be delivered to the President for the time being of the said Burgher Senate, and shall be by him lodged in the Office of the Registrar of Deeds in Cape Town, to be there filed and kept as matter of Record; and the other Certificate, or Receipt, shall be lodged and kept in the Office of the Collector of Taxes in Cape Town.

4. And be it further enacted, That all Accounts relative to No. 34. the Matters aforesaid, shall be closed on the 31st day of December 1827; and all Monies, Bonds, moveable Property, Books, Papers and other Documents, together with a full, true, and correct Inventory of the same, to be signed and certified as aforesaid, shall be delivered over to the said Charles de Lorentz and Ralph Rogerson, Esquires, on the 31st day of December instant.

5. And be it further enacted, That the said Charles de Lorentz and Ralph Rogerson, Esquires, shall immediately, upon receipt thereof from the said Secretary, pay all and every Sum and Sums of Money so received by them, into the hands of the Treasurer and Accountant-General, who shall keep a separate Account of the same.

6. And be it further enacted, That it shall and may be lawful for the Governor, or Lieutenant-Governor, for the time being, to remove the said Charles de Lorentz and Ralph Rogerson, Esquires, and any and every Person who shall be a Trustee or Trustees for the time being, from the said Trust, as occasion may require; and upon such removal, or upon the death or resignation of the said Charles de Lorentz and Ralph Rogerson, Esquires, or the Trustees for the time being, or any of them, to appoint such other Person or Persons to be a Trustee or Trustees; as aforesaid, as to him shall seem fit.

7. And be it further enacted, That the said Charles de Lorentz and Ralph Rogerson, Esquires, or the other Trustees for the time being, in whom the said Property shall be vested, shall administer the same, and do all such Matters and Things relative thereto, as they shall be directed, by any Order, Direction, or Instruction, from time to time in that behalf to be given to them by the Governor, or Lieutenant-Governor, for the time being.

8. And be it further enacted, That all and every Grant or Grants of Land, Houses, or other Property, heretofore lawfully made by the said Burgher Senate, with the consent of the Governor for the time being, shall be and are hereby confirmed to the Person or Persons to whom the same were made.

God save the King!

Given at the Cape of Good Hope, 26th December 1827.

By Command of His Honor the Lieutenaat-Governor,
(Signed) John Bell, Acting Sec. to Govt.

By Order of the Council,
(Signed) D. M. Perceval, Clerk of the Council.

No. 35.—Signed, Rich. Bourke.

For repealing the Tax levied for Gauging Casks of Wine, Brandy, and Vinegar, and for appointing Trustees to preserve and maintain the Public Library. (1)

WHEREAS the Charge for Gauging Casks of Wine, Brandy, and Vinegar, passing the Market, which is levied by virtue of a Proclamation of the 20th day of March 1818, is found to be inconvenient, and it is expedient that the same should be repealed: Be it therefore enacted by His Honor the Lieutenant-Governor in Council, that from and after the first day of January 1828, the said Proclamation of the 20th day of March 1818, shall be repealed, and the same is hereby from the time aforesaid repealed accordingly.

2. And whereas by virtue of the Provisions of the said Proclamation of the 20th day of March 1818, a valuable Public Library has been formed in Cape Town, which it is desirable to preserve and maintain for the Public benefit; and whereas the authority which was given to certain Individuals therein named to form a Committee to superintend the Management of the said Library, will, by the repealing of the said Proclamation, cease and determine: Be it therefore enacted, that it shall and may be lawful for the Governor or Lieutenant-Governor, for the time being, of this Colony, to appoint three competent Persons to be Trustees of the said Public Library, who shall have power to take charge of the same and to make such Regulations as to them shall seem fit, for the preservation of the Books, Manuscripts, and other Things belonging thereto, and for the perusal and inspection of the same by the Public: Provided always, and be it further enacted, that it shall and may be lawful for the Governor, or Lieutenant-Governor, for the time being, to remove the said Trustees or any of them; and upon the removal, death, or resignation of the said Trustees, or any of them, to appoint such other Person or Persons as he shall think fit.

God save the King!

Given at the Cape of Good Hope, 28th December 1827.

By Command of His Honor the Lieutenant-Governor,

(Signed)

John Bell, Acting Sec. to Govt.

By Order of the Council

(Signed)

D. M. Perceval, Clerk of the Council.

(1) Allowed by the Home Government, but repealed by Ordinance No. 71,—*vide* also Ordinance No. 8—1836.

No. 36.—Signed, Rich. Bourke.

Ordinance for continuing the Powers heretofore committed to and exercised by the Permanent Sitting Commissioner in Cape Town to a Judge of Police, and for extending his Jurisdiction to the Cape District, and for continuing a Matrimonial Court therein. (1)

WHEREAS by an Ordinance (No. 18.) bearing date the 29th day of May 1826, it is enacted, that it shall and may be lawful for the Governor, or Lieutenant-Governor, for the time being, with the approval of His Majesty, to declare and appoint one of the Members of the Court of Justice, to be a Permanent Sitting Commissioner for the Administration of Justice, in certain Matters and Things therein mentioned, in Cape Town; and whereas in pursuance thereof, such Commissioner has been appointed, and acted in such Matters and Things as aforesaid; and whereas by a Proclamation of His Honor the Lieutenant-Governor bearing date the 10th day of December 1827, issued in pursuance of the provisions of His Majesty's Charter of Justice bearing date the 24th day of August 1827, it is ordered, that the Court of Justice in this Colony shall, from and after the first day of January 1828, be abolished, cease, and determine; and whereas by an Ordinance (No. 33.) bearing date the 19th day of December 1827, it is enacted, that from and after the said first day of January 1828, the Courts of Landdrost and Heemraden, and of Landdrost and Commissioned Heemraden in the several Districts of the Colony, shall likewise cease and determine; and whereas it is necessary for the due Administration of Justice, and for the due Registration of Marriages, in Cape Town and the Cape District, that some Person be appointed to exercise the Powers and Duties heretofore vested in, and exercised by, the said Permanent Sitting Commissioner in Cape Town, and by the said Courts of Landdrost and Heemraden, and Landdrost and Commissioned Heemraden in the Cape District: Be it therefore enacted, that from and after the passing of this Ordinance, it shall and may be lawful for the Governor, or Lieutenant-Governor for the time being, to appoint one

(1) Allowed by the Home Government, but repealed by Ordinance No. 44, *infra*.

No. 36. Judge of Police, who shall exercise in Cape Town, and
 1828. the Cape District, the Jurisdiction, Powers, and Authority, which have been heretofore exercised in Cape Town only by the said Permanent Sitting Commissioner, by virtue of the said Ordinance bearing date the 28th day of May 1826, the provisions of which, in all Matters relative to Police, are hereby declared to be in full force and effect; or by virtue of any other Law or Ordinance under which the said Permanent Sitting Commissioner is authorised and required to act and exercise Jurisdiction.

2. And be it further enacted, That from and after the said first day of January 1828, the said Judge of Police and his Clerk, shall, in the place and stead of the said Landdrost and Heemraden, form the Matrimonial Court or Board, for Cape Town and the Cape District, and all Registrations for Marriage shall be made through and by the said Matrimonial Court or Board, hereby enacted, and all Certificates of Registration shall be granted by the said Clerk, in like manner as such Registrations were made, and such Certificates were granted, by the said Matrimonial Court, or Board which has been so abolished.

3. And be it further enacted, That any and every Matter and Thing which was necessary to be done and performed for the due Registration and Legalization of Marriage in the said Matrimonial Court, or Board, which has been abolished, shall be required to be done and performed, and shall be of like force and effect in the said Matrimonial Court, or Board, hereby created.

4. And whereas by the Abolition of the Court of Justice as aforesaid, the duty of holding Inquests can no longer be discharged by Members of the Court of Justice as heretofore: Be it therefore enacted, that from and after the passing of this Ordinance, all Inquests in Cape Town shall be held before the Judge of Police, and the Superintendant of Police, or his Deputy, in the same manner and form as the Inquests were heretofore held before the Members of the Court of Justice.

God save the King!

Given at the Cape of Good Hope, 5th January 1828.

By Command of His Honor the Lieutenant-Governor,

(Signed)

John Bell, Acting Sec. to Govt.

By Order of the Council,

(Signed)

D. M. Perceval, Clerk of the Council.

No. 37.—Signed, Rich. Bourke.

*Ordinance for declaring and regulating the Duty of
the Sheriff of this Colony.*

WHEREAS by His Majesty's Royal Charter, or Letters Patent, for the more effectual Administration of Justice in this Colony and in the several Territories and Settlements dependent thereon bearing date at Westminster, the 24th day of August 1827, it is, amongst other things, ordained and declared, that the Governor or Lieutenant-Governor, for the time being, of the said Colony, shall, by Warrant under his Hand and Seal, nominate and appoint some fit and proper Person, to act as and to be the Sheriff of the said Colony and its Dependencies, for the Year ensuing; which Sheriff, when appointed, shall, as soon as conveniently may be, and before he shall enter upon his said Office, take an Oath, faithfully to execute the Duties thereof, and the Oath of Allegiance, before the said Governor, who is by the said Charter authorised to administer the same: And whereas it is by the said Charter ordered, directed, and appointed, that the said Sheriff shall, by himself, or his sufficient Deputies to be by him appointed and duly authorised under His Hand and Seal, and for whom he shall be responsible during his continuance in such Office, execute all the Sentences, Decrees, Judgments, Writs, Summonses, Rules, Orders, Warrants, Commands, and Processes, of the Supreme Court, or of the Circuit Courts, of the said Colony, as therein is mentioned, and shall make a Return of the same, together with the manner of the execution thereof, to the Supreme Court of the Cape of Good Hope, or to the said Circuit Courts, as the case may be; and shall receive and detain in Prison, all such Persons as shall be committed to the custody of such Sheriff, by the said Supreme Court and Circuit Courts, or by the Chief Justice, or any other Judge of the said Courts: And whereas it is further granted, ordained, directed, and appointed, by the said Charter, or Letters Patent, that it shall and may be lawful for the said Supreme Court, by any Rules or Orders of Court, to be by them from time to time, and for that purpose, made and published, to frame, constitute, and establish, such Rules, Orders, and Regulations, as to them shall seem meet, touching and

No. 37. concerning (amongst other things) the Proceedings of the
 1828. Sheriff and other Ministerial Officers of the said Court, the Process of the said Courts, and the Mode of Executing the same ; provided (amongst other things therein provided) that the same shall be promulgated in the most public and authentic manner, in the said Colony, for three Months at least, before the same shall operate and take effect : And whereas it is necessary and expedient, in the mean time, and until the said Supreme Court shall further or otherwise order, to make provisions for the performance of the Duties of the said Sheriff in certain cases—Be it therefore enacted and declared, by His Honor the Lieutenant-Governor in Council, that the said Sheriff shall, immediately after his Appointment, and after having taken the Oaths as aforesaid, appoint and depute sufficient Persons and Deputies, to act for him in the execution of the Duties of his said Office, and shall, immediately after such Appointment, cause to be enrolled in the Office of the Registrar of the Supreme Court, the Names and Places of abode of such his lawful Deputies, and which enrolment shall specify the District within which they are respectively to act for the said Sheriff ; and also shall, immediately after any removal of any such Deputy, cause such removal to be notified to the Registrar, and shall cause the Name of the Person succeeding him in the execution of his Duty, to be in like manner enrolled in the said Office, and shall cause the like Notification to be published in the next ensuing Government Gazette of the said Colony.

2. And be it further enacted, That a convenient Office in Cape Town shall be appointed for the said Sheriff, wherein shall be placed, in some conspicuous part thereof, the Names and Places of Abode of such his Deputies, and the Districts in which they are appointed respectively to act ; and also this Ordinance, and all such General Rules and Orders as shall at any time be made by the Supreme Court, for regulating the Duty of the said Sheriff and his Deputies, and a Table of all the Fees and Charges which may, by Law, be taken by him or them respectively.

3. And be it further enacted, That the said Sheriff, or his Deputy, shall give his personal attendance in the Supreme Court daily, during Term time, or any Sitting or Session of the said Court, or of any Circuit Court ; and the said Sheriff shall, by himself, or his Deputy, immediately, and without delay, execute all the Sentences, Decrees, Judgments, Writs, Summonses, Rules, Orders, Warrants, Commands, and Processes, of the said Supreme Court, or Circuit Courts respectively, to

him directed, where no time is specified therein for the execution No. 37. thereof, or otherwise, according to the exigency of the same; 1828. and shall make a Return thereof, together with the manner of the Execution thereof, to the Office of the Registrar of the said Supreme Court, or Registrar of the Circuit Courts respectively, as the case may be; and the said Sheriff shall receive and detain in custody, all Persons arrested upon any Sentence, Decree, Judgment, Writ, Summons, Rule, Order, Warrant, Command, or Process of the said Supreme Court, or Circuit Courts respectively, and shall receive and detain in Prison, all such Persons as shall be committed to his custody by the said Supreme Court, or Circuit Courts, or by the Chief Justice, or any of the Judges of the Supreme Court.

4. Provided always, and be it further enacted, That the said Sheriff shall not be answerable, or responsible, for the Rescue or Escape of any such Person out of the custody of the said Sheriff, or his Deputy, on his way to any Public Gaol or Prison in this Colony; or after being lodged therein, where such Rescue or Escape shall happen without the default or connivance of the said Sheriff or his Deputy: Provided, however, that in case of any such Rescue or Escape, the said Sheriff, or his Deputy, shall use all lawful means for the Pursuit, Apprehension, and Security of any such Person, without any further Warrant or Authority whatever.

5. And be it further enacted, That where any Summons, or other Process of the Supreme Court, shall be issued to compel the Appearance in the said Court, or in any Circuit Court of this Colony, of any Person to answer any Claim, or Demand, in any case where by Law the said Person may not be arrested or holden to Bail, and the said original Summons, or other Process, shall be delivered to the Sheriff at his said Office, the said Sheriff, or his Deputy, shall execute the same according to the exigency thereof; and at the time of summoning any Person in pursuance of such Summons or Process, he shall deliver to him personally, or leave with some one of his Household for him at his Dwelling House, when the said Defendant cannot be found, a Copy of the said Summons or Process; at the same time informing the said Defendant, or other Person, of the nature and exigency thereof.

6. Provided always, and be it further enacted, that where neither the said Defendant, nor any one of his Household, after diligent search, can be found at his usual Place of Abode, a Copy of the said Summons, or Process, may in all cases be left at the Dwelling House of the said Defendant.

7. And be it further enacted, That in all cases where any Process of the said Supreme Court shall be delivered to the said Sheriff at his said Office, for the Arrest or Attachment of

No. 37. any Defendant, in order to compel his Appearance in the said
 1828. Court, or in any Circuit Court, to answer any Complaint or Demand, at any day therein specified, then the said Sheriff shall, by himself or his Deputy, immediately and without delay, execute the said Process, and shall give to the Defendant, at his request and at his charge, a true Copy of the said Process; and if upon any such Arrest, the said Defendant, or any one on his behalf, shall give to the said Sheriff, reasonable Security, by Bond or Obligation, of the said Defendant and another Person, having sufficient Property within the said Colony, that the said Defendant shall appear according to the exigency of the said Process, and also shall stand to, abide, and perform the Judgment of the Court thereon, or render himself to the Prison of the Supreme Court of our Sovereign Lord the King, in execution thereof; or if the said Defendant shall pay or deliver to the Sheriff, or his Deputy, the Sum of Money or other Thing mentioned in the said Process, together with the Costs and Charges indorsed thereon, and his Legal Fee for making the said Arrest; then the said Sheriff, or his Deputy, shall permit the said Defendant to go at large and free of the said Arrest, as to the said Action; and the said Bond, or Obligation, shall be as nearly as is material, in the form following, that is to say,

Know all Men by these Presents, that we A. B. and C. D. are held and firmly bound to Esquire, Sheriff of the Colony of the Cape of Good Hope, in the sum of £ (the sum or value of the thing mentioned in the Process) of lawful Money of Great Britain, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators, or Assigns, for which Payment to be made, we bind ourselves, and each of us for himself in the whole, our, and every of our heirs, Executors, and Administrators, firmly by these Presents.

Signed with our Hands, and dated the day of
 in the Year of our Lord

Now, the conditlon of this Obligation is such, that if the above bounden A. B. do appear by his Attorney before the Supreme Court of the Colony of the Cape of Good Hope, on the day of to answer E. F. wherefore (following the statement in the Process), and also shall stand to, abide and perform the Judgment of the said Court thereon, or render himself to the said Court in execution thereof; then this Obligation to be void, otherwise to remain in full force.

Signed and delivered, being first
 duly stamped in the presence of

(L. S.)
 (L. S.)

And if the said Sheriff shall have taken from any Person arrested, any Money or Thing, for the said Plaintiff, or any Bond or Obligation, by virtue of any Process, then the said Sheriff shall, after the expiration of fourteen days from the day of the return thereof, and being thereunto required by the Plaintiff or

his Attorney, deliver over to the said Plaintiff or his Attorney, the said Money or Thing ; or assign to the said Plaintiff such Bond or Obligation, by an Endorsement to be thereon made by the said Sheriff under his hand ; which Endorsement shall be as nearly as may be in the form following, that is to say,

I, the within named Sheriff, at the request of E. F., the Plaintiff within named, hereby assign to him, the said E. F., the within Bail Bond, and all the benefit and advantage arising therefrom.

In witness whereof I have hereunto set my hand this day of in the year of our Lord

Signed and delivered by
the within named Sheriff,
in the presence of

(L. S.)

8. And be it further enacted, That whenever, by any Process of the Supreme Court, the Sheriff shall be commanded to levy and raise any Sum of Money upon the Goods and Chattels of any Person residing in Cape Town, or the District thereof, the said Sheriff shall, by himself or his Deputy, within twenty-four hours after delivery of the same at his Office : or if residing in the Country, within twenty-five miles of Cape Town, then within forty-eight hours after delivery of the same ; or if residing at any greater distance from Cape Town within so many days distance, in addition to twenty-four hours, as such Person resides from Cape Town,—repair to his Dwelling House, and there demand, that so much moveable Property may be pointed out, as the said Sheriff, or his Deputy, may deem sufficient to satisfy the exigency of the said Process ; which Property shall be immediately inventoried and taken into the custody of the said Sheriff, or his Deputy ; and if upon the demand of the said Sheriff, or his Deputy, no such Property be pointed out, or such as is insufficient to satisfy the exigency of the said Process, then he shall immediately seize and take into his charge, so much of the moveable Property of the said Defendant as will be sufficient to satisfy the exigency of the said Process : Provided, that if there shall be any Claim made by any other Person, to any such Property about to be seized by the said Sheriff, or his Deputy, then, if the said Plaintiff, or his Attorney, will indemnify the said Sheriff by an undertaking in writing, signed by the said Plaintiff, to save him harmless from any loss or damage by reason of the seizure thereof, then the said Sheriff, or his Deputy, shall take and seize the same, and the same shall forthwith be inventoried and taken into the custody of the said Sheriff, or his Deputy.

9. Provided always, and be it further enacted, That the said Sheriff, or his Deputy, shall not take or seize, in execution of any such Process, any of the necessary Tools, Utensils, Imple-

No.37.
1828.

No. 37. ments, or Cattle, used in Trade or Husbandry, or Wearing
 1828. Apparel, of any Person; unless there shall not be sufficient
 other moveable Property of the Defendant, to satisfy the same.

10. And be it further enacted, That where any moveable Property shall be taken by the said Sheriff, or his Deputy, in execution of any Process of the said Supreme Court, the same shall not be removed from the Premises of the said Defendant, until after the expiration of seven Days from the seizure thereof; unless the said Defendant shall, by Writing, under his hand, permit the same to be removed; but the said Sheriff, or his Deputy, shall keep possession thereof, upon the Premises where the same is seized, and the Expense of such keeping possession, shall be borne by the said Defendant, and defrayed out of the said Levy; and all such Property shall be Sold by Public Auction, in the presence of the said Sheriff, or his Deputy, after the Advertisement thereof has been twice made in the Government Gazette of this Colony, and after the expiration of fourteen days from the time of seizure thereof, when such seizure has been made in Cape Town, or within twenty-five miles thereof; and if such seizure be made at any greater distance from Cape Town, then after the expiration of so many days, as the place, where the said Property is seized, shall be days distance therefrom, in addition to the said period of fourteen days:

11. And be it further enacted, That, together with the Sum mentioned in, or endorsed upon, any Process of the Supreme Court, the said Sheriff shall levy and raise on the Goods of the said Defendant, sufficient to satisfy such Percentage. as is or shall be by Law chargeable thereon, and the reasonable Expenses, Costs, and Charges of making the said Levy and Sale; and if, after satisfying the exigency of the said Process, together with the said Percentage, Costs, and Charges, there should remain any overplus, he shall pay over the same to the Defendant; and the said Sheriff, or his Deputy, shall make out and deliver to the said Defendant, an exact Account, in writing, of the Costs and Charges of the said Execution and Sale; and the same shall be liable to Taxation by the Master of the Supreme Court, upon application for that purpose by the said Defendant; and if, upon Taxation, any Sum shall be deducted by the Master, as having been improperly charged, the Sheriff shall refund the same to the Defendant, with such Costs as the Court shall think fit.

12. And be it further enacted, That, whenever upon any Warrant or Process of the Supreme Court, the said Sheriff shall be commanded to levy and raise any Sum of Money, by Sale of the immoveable Property of any Person residing in Cape Town, or in the District thereof, the said Sheriff shall, by himself, or his Deputy, within twenty-four hours after de-

livery of the same at his Office ; or if residing in the Country, No. 37.
 within twenty-five miles of Cape Town, then within forty-eight 1828.
 hours after delivery of the same ; or if residing at any greater
 distance from Cape Town, within so many days distance, in
 addition to twenty-four hours, as such Person resides from Cape
 Town—repair to his Dwelling House, and there demand that so
 much immoveable Property may be pointed out, as the said
 Sheriff, or his Deputy, may deem sufficient to satisfy the exigen-
 cy of the said Process ; and the said Sheriff, or his Deputy,
 shall take an Account of the description, situation, quality, and
 quantity of the said Property ; and if, upon the demand of the
 said Sheriff, or his Deputy, no such Property be pointed out,
 or insufficient to satisfy the exigency of the said Writ, then,
 if the said Plaintiff or his Attorney, will point out or specify to
 the said Sheriff, or his Deputy, any such Property of the said
 Defendant, and will indemnify the said Sheriff, by an Under-
 taking in Writing, signed by the said Plaintiff, to save the said
 Sheriff harmless from any loss or damage, by reason of the At-
 tachment thereof, then the said Sheriff, or his Deputy, shall
 attach and take possession of the same.

God save the King !

Given at the Cape of Good Hope, 5th January 1828.

By Command of His Honor the Lieutenant-Governor,
 (Signed) John Bell, Acting Sec. to Govt.

By Order of the Council,
 (Signed) D. M. Perceval, Clerk of the Council.

No. 38.—Signed, Rich. Bourke.

*Ordinance for authorising the Civil Commissioner of the
 Cape District to act within the District and Residency
 of Simon's Town, and for establishing a Board for
 the Registration of Marriages therein ; and for re-
 pealing the Proclamation of the 8th of April 1825,
 granting Jurisdiction to the Government Residents at
 Algoa Bay (now Port Elizabeth,) and Port Frances,
 in certain Criminal and Civil Cases. (1)*

WHEREAS by a Proclamation bearing date the 24th day
 of May 1814, the District and Residency of Simon's Town

(1) Allowed by the Home Government.

No. 38. were declared to be entirely separated from the Cape District, and the Revenue arising therefrom was directed to be collected by the Government Resident thereof; and whereas it is deemed expedient, that the Office and Duties of the said Resident should be abolished, and that the Civil Commissioner for the Cape District should henceforth exercise the Office, and perform the Duties, heretofore exercised and performed by the said Government Resident, in so far as is hereinafter mentioned: Be it therefore enacted, by His Honor the Lieutenant-Governor in Council, that from and after the passing of this Ordinance, the Office and Duties of the said Government Resident shall cease and determine; and the Civil Commissioner for the Cape District shall thenceforth collect all Taxes, and Arrears of Taxes, that are now, or hereafter may become due and payable within the said District and Residency; and shall do and perform all such Matters and Things within the said District and Residency, as by virtue of his Office he is authorised and required to do and perform within the Cape District—any thing contained in the said Proclamation of the 24th day of May 1814,⁽¹⁾ to the contrary notwithstanding.

2. And whereas by an Ordinance (No. 33)⁽²⁾ bearing date the 19th day of December 1827, it is enacted, That from and after the first day of January 1828, the Court of the Resident and Heemraden at Simon's Town shall be abolished, and the same has been abolished accordingly; and whereas by reason of the abolition thereof, it becomes necessary, that some provision be made for the due Registration and Legalization of Marriages within the said District and Residency: Be it therefore enacted, that from and after the passing of this Ordinance, the Resident Magistrate of Simon's Town, and his Clerk, shall, in the place and stead of the Government Resident and Heemraden, form the Matrimonial Court, or Board, for the said District and Residency; and all Registrations for Marriages shall be made through and by the said Matrimonial Court, or Board, hereby created; and all Certificates of Registration shall be granted by the said Clerk, in like manner as such Registrations were made, and such Certificates were granted, by the said Matrimonial Court, or Board, which had been abolished.

3. And be it further enacted, That any and every Matter and Thing which was necessary to be done and performed, for the due Registration and Legalization of Marriages in the said

⁽¹⁾ *Vide supra* p. 166.

⁽²⁾ *Vide supra* p. 389.

Matrimonial Court, or Board, which has been abolished, shall No. 38. be done and performed, and shall be of like force and effect in 1828. the said Matrimonial Court, or Board, hereby created.

4. And whereas a Clerk of the Peace has not been appointed for the District and Residency of Simon's Town, nor for the Township of Port Elizabeth, and it is not intended to appoint a Clerk of the Peace for either of the said places: Be it therefore enacted, That the Clerks of the Resident Magistrates of the said places respectively, shall enter in the Books of Record kept by them respectively, the due administration and taking of all such Oaths as in the other Districts of the Colony are, or may be, required to be registered by the respective Clerks of the Peace.

5. And whereas doubts have arisen, whether a Proclamation bearing date the 8th day of April 1825, relative to certain Powers and Authorities thereby given to the Government Residents at Algoa Bay (now called Port Elizabeth), and Port Frances, be still in force: Be it therefore enacted, That from and after the passing of this Ordinance, the said Proclamation shall be repealed, and the same is hereby repealed accordingly.

God save the King.

Given at the Cape of Good Hope, 19th January 1828.

By Command of His Honor the Lieutenant Governor,
(Signed) John Bell, Acting Sec. to Govt.

By Order of the Council,
(Signed) D. M. Perceval, Clerk of the Council.

No. 39.—Signed, Rich. Bourke.

Ordinance for enabling the Registrar of Deeds to certify and enregister all such Acts, Transfers, Mortgages, and other Deeds, as were heretofore certified and enregistersd before two Members of the Court of Justice and the Colonial Secretary. (1)

WHEREAS heretofore in this Colony, Deeds or Transfer of Landed property, Mortgages, and other like Acts and Instruments, have been certified and enregistered before, and subscribed by, two Members of the Court of Justice, in the presence of the Colonial Secretary, before the said

(1) Allowed by the Home Government.

No. 39. Deeds and Instruments could be duly registered ; and
 1828. whereas in cosequence of the abolition of the Court of Justice, the said Registration can no longer be in such manner carried on : Be it therefore enacted, by His Honor the Lieutenant Governor in Council, that from and after the passing of this Ordinance, and until further and other provision be made in this respect, all such Deeds, of any and whatsoever kind, as have been heretofore certified and enregistered as aforesaid, shall be certified and enregistered before, and subscribed by, the Registrar of Deeds ; and all such Deeds so certified by the said Registrar, shall be enregistered and be and become as valid and effectual, to all intents and purposes, as if the same had been certified and enregistered before, and subscribed by, two Members of the court of Justice, in the presence of the Colonial Secretary.

2. And whereas the Colonial Debt Registers have heretofore been kept at the Office of the Colonial Secretary, and Entries made therein, from time to time by one of the Clerks of that Office : Be it therefore enacted, that from and after the passing of this Ordinance, the said Registers shall be kept by, and all Entries shall be made therein by and under the direction of, the said Registrar of Deeds.

God save the King !

Given at the Cape of Good Hope, 19th January 1828.

By Command of His Honor the Lieutenant Governor,

(Signed)

John Bell, Acting Secretary to Govt.

By Order of the Council,

(Signed)

D. M. Perceval, Clerk of the Council.

No. 40.—Signed, Rich. Bourke.

Ordinance for regulating the Manner of proceeding in Criminal Cases in this Colony. (1)

WHEREAS it is necessary and expedient to make certain Changes and Alterations in the Mode of proceeding in Criminal Cases, and to declare the Law, as at present established by His Majesty's Royal Charter bearing date

(1) Allowed by the Home Government, explained, altered, and amended by Ordinance No. 73.

24th day of August, at Westminster, in the Eighth Year No. 40. of His Majesty's Reign: Be it therefore enacted and 1828. declared, by His Honor the Lieutenant-Governor in Council, that from and after the passing of this Ordinance, the Manner of proceeding in Criminal Cases in this Colony shall be according to the Rules and Regulations herein-after mentioned and set forth.

Of Jurisdiction.

1. All Crimes and all Offences against the Law, (for the commission of which any Penalty or Punishment is by Law provided,) committed by any Person in this Colony, or its Dependencies, are subject to the Jurisdiction of the Supreme Court of the Colony of the Cape of Good Hope.

2. All Crimes and all Offences against the Law, (for the commission of which any Penalty or Punishment is by Law provided) committed by any Person within any one of the Districts into which this Colony has been or shall be divided by the Governor, are also subject to the Jurisdiction of the Circuit Court of such District or of any such Circuit Court held within any other District of the Colony, to which the Trial of such Crime or Offence shall ~~be~~ permitted or allowed to be removed by the competent Court.

3. All Crimes and Offences against the Law, (for the commission of which any Penalty or Punishment is by Law provided,) not punishable by Death, Transportation, or Banishment, committed by any Person within the local limits within which the Jurisdiction of any Inferior Court, erected or to be erected by the Governor of this Colony, is appointed by the said Governor to be exercised, are also subject to the Jurisdiction of such Inferior Court.

4. The Supreme Court has full Power, Jurisdiction, and Authority, to review the Proceedings of all Inferior Courts of Justice within the Colony; and, if necessary, to set aside or correct the same.

5. The grounds upon which it is competent to bring the Proceedings of the Inferior Courts under the review of the Supreme Court, are:

First. Incompetency of the Court in respect of the Cause, including all excess of Jurisdiction, whether committed by the Judge in trying for an Offence, which, in respect of its nature or magnitude, or of its having been committed out of his Jurisdiction, or of its having been already tried, or forming the subject of a pending Trial in any other competent Court, was not subject to his Jurisdiction, or in awarding a greater Punishment, than by the constitution of his Court he had power to award.

No. 40. *Second.* Incompetency of the Court in respect of the Judge himself, as that either the Judge himself, or his near Kinsman had an interest in the Cause.

Third. Malice or corruption on the part of the Judge.

Fourth. Gross irregularity in the Proceedings.

Fifth. The admission of illegal or incompetent Evidence. (1)

Of Prosecutors and their Title.

6. The Attorney-General of the Cape of Good Hope is vested with the right, and entrusted with the duty, of Prosecuting in the Name and on the Behalf of the King, all Crimes and Offences committed in this Colony.

7. This right of Prosecution is exercised by the Attorney-General, in the Supreme Court, in Person—in the Circuit and District Courts, through the medium of the Clerks of the Peace for the respective Districts in which such Courts shall be held; and in the Police Court in Cape Town, through the medium of the Superintendent of Police, or his Deputy; unless any other Person shall have been specially appointed by the said Attorney-General to appear and act for him in any Particular Case, before any or either of the said Superior or Inferior Courts. (2)

8. This right and power of Prosecution in the Attorney-General, is absolutely under his own management and control. (3)

9. The Attorney-General has the power at any time before Conviction, of stopping all Prosecutions commenced by him, or by the Superintendent of Police, or by the Clerks of the Peace, at the Public instance: but in the event of the Defendant having been previously arraigned upon any charge, he shall be entitled to a Verdict of Acquittal, in respect of such charge.

10. The Attorney-General has the power, (except in the special Case hereinafter excepted) of ordering the Liberation of any Person committed to Gaol for further Examination, or for Trial; for which Liberation, a writing, setting forth that the Attorney-General sees no grounds for prosecuting such Person, and subscribed by him, shall be a sufficient Warrant.

11. Where in virtue of the right of Prosecution hereinafter given to private Parties, any private Party intends to prosecute any Person, for whose Liberation from Gaol any Warrant of the nature abovementioned may have been issued by the Attorney-General, it shall be competent for such private Parties, upon entering into a Recognizance for the Prosecution of the said Defendant in the form hereinafter set forth, to apply to the Supreme Court, or Circuit Court; or in case such Courts shall not be then actually sitting, to the Chief Justice of the Colony,

(1) *Vide* Ordinance, No. 73, § 3.

(2) *Vide* Ordinance No. 4, 1834, § 10.

(3) *Vide* Ordinance No. 73, § 4.

or to any of the Judges of the Supreme Court, for a Warrant No.40. for the further detention in Gaol of such Person, (or in case 1828. the Liberation has already taken place, for his recommittal to Gaol for Trial) upon which application, the said Courts, and the said Chief Justice, and other Judges, shall make such Order, as to them shall seem proper.

12. Neither Conviction or Acquittal following on the Prosecution of the Attorney-General is any bar to a Civil Action for Damages, at the instance of any Person who may have suffered any injury from the commission of any alleged Crime or Offence.

13. In all cases, where the Public Prosecutor declines to prosecute for any alleged Crime or Offence, it is competent for any private Party, who alleges that he has suffered injury by any such alleged Crime or Offence, to prosecute in any Court, competent to the Trial of the same, the Person alleged to have committed such Crime or Offence.

14. In order that no Prosecution, at the instance of a private Party, may take place, until the Public Prosecutor shall have exercised his discretion, whether he will prosecute the Offender at the Public instance, it shall not be competent for any private Party to obtain the Process of any Court for summoning any Party to answer to any Indictment or Complaint, unless the said private Party shall produce to the Officer, authorised by Law to issue such Warrant, the Indictment or Complaint, having endorsed thereon where the Indictment is to be tried in the Supreme or Circuit Court, a Certificate under the hand of, and subscribed by, the Attorney-General, that he has seen the Indictment, and declines to prosecute at the Public instance for the Offence therein set forth; and where the Indictment or Complaint is to be tried in any Inferior Court, a Certificate, under the hand of, and subscribed by, the Officer who by Law is entitled to prosecute at the Public instance in such Court, that he has seen the said Indictment or Complaint, and declines to prosecute at the Public instance for the Offence therein set forth; and in every case, in which the Attorney-General declines to prosecute, he and the Officers, through whom he exercises the right of Prosecution in the Inferior Courts, shall, at the request of the Party intending to prosecute, grant the Certificates abovementioned on every Indictment submitted to them by such private Party. ⁽¹⁾

15. To support a Prosecution at the private instance, the private Party prosecuting must be able to show some substantial and peculiar interest in the issue of the Trial, arising out of some injury, which he individually has suffered by the commission of the alleged Crime or Offence set forth in the Indictment or Complaint.

(1) *Vide* Ordinance No. 73, § 6, 7, and 8.

No. 40. 16. A Husband possesses this right of Prosecution in respect of Crimes and Offences committed against his wife.

17. The legal Guardians of Minors possess this right of Prosecution in respect of Crimes and Offences committed against their Wards.

18. The Wife or Children, or where there is no Wife or Child, any of the next of kin, of any deceased Person, possess this right of Prosecution in respect of any Crime by which the Death of such Person is alleged to have been caused.

19. Where a Person prosecuted at the instance of a private Party is acquitted, the Court, in which the Prosecution was brought, may adjudge the Prosecutor, to pay to the Party prosecuted the whole, or any part, of the Expenses which may have been occasioned to him by the Prosecution.

20. It shall not be competent for any private Party to obtain the Process of the Supreme Court for summoning any Party to answer to any Indictment or Complaint, unless such private Party shall first enter into a Recognizance in the Sum of Twenty Pounds Sterling, together with two sufficient Sureties in Ten Pounds Sterling each, to be approved of by the Officer issuing such Process, to prosecute the said Indictment or Complaint to a conclusion, according to the forms of Law at the time at which the Summons requires the Defendant to appear.

21. The right of Prosecution for the Crime of Murder shall not be barred by any lapse of time; but the right of Prosecution for any other Crime or Offence, whether at the instance of the Public Prosecutor, or of the private Party injured, shall be barred by the lapse of Twenty Years from the time when the Crime or Offence was committed.

Of Arrest and Preliminary Examination.

23. The Chief Justice, or any Judge of the Supreme Court, the Judge of the Police Court in Cape Town, any Resident Magistrate, or Justice of the Peace, who has knowledge of any Crime or Breach of the Peace, by seeing it committed, may himself arrest the Offenders, or by a verbal Order he may authorise others to do so, who may follow the Offenders thus pointed out to them, and execute this Order on them out of the presence of such Magistrate, if they fly. ⁽¹⁾

23. The Sheriff and his Deputies, Superintendent of Police and his Deputy, and Field-Cornets, and all Constables, Police Officers, or other Officers of the Law, proper to the execution of Criminal Warrants, have the power of arresting, in Cases of Crimes or Breaches of the Peace committed in their presence, or of the commission of which they have credible information from others; and after taking the Offender, such Sheriff or

⁽¹⁾ *Vide Ordinance, No. 73, § 11.*

other Officer shall immediately carry the Offender before the nearest Magistrate, to be dealt with according to Law. ⁽¹⁾ No. 40.
1828.

24. The Chief Justice of the Colony and Judges of the Supreme Court—the Judge of Police in Cape Town—the Resident Magistrates—and all Justices of the Peace, may lawfully grant a Warrant for the apprehension of any Offender, on a written application, setting forth the Offence alleged to have been committed, and that, from information taken upon Oath, there are reasonable grounds of suspicion against him, subscribed by the Attorney-General—by the Superintendent of Police in Cape Town—or by the Clerk of the Peace of the District, or upon the information to the like effect of any Person made on Oath before the Judge or Magistrate granting the Warrant. ⁽²⁾

25. A Warrant issued by the Chief Justice, or any of the Judges of the Supreme Court, has effect and may be executed any where in the limits of the Colony and its Dependencies; Warrants issued by the Judge of Police in Cape Town, Resident Magistrates, and Justices of the Peace, have effect and can be executed only within the local limits within which the Jurisdiction of the said Magistrate, Judge of Police, or Justice of the Peace, is appointed to be exercised: but the Judge of Police in Cape Town, every Resident Magistrate, and every Justice of the Peace, on production to him of a Warrant issued by any other Magistrate, is bound to grant his concurrence to it by an Endorsement thereof, after which the Warrant may be executed within the local limits of the Jurisdiction of the Magistrate so endorsing it. ⁽³⁾

26. Every Warrant so issued shall be to apprehend the Party described in it, and to bring him before any Resident Magistrate, or the Judge of Police in Cape Town, or Justice of the Peace, for Examination. ⁽⁴⁾

27. The Superintendent of Police in Cape Town, or his Deputy, and every Clerk of the Peace, on receiving information of any Crime or Offence having been committed within his District, (except it shall plainly appear to be proper for the cognizance of a Court of Summary Jurisdiction,) shall commence a preparatory Examination before the Judge of Police in Cape Town, Resident Magistrate, or Justice of the Peace, within whose Jurisdiction respectively such Superintendent of Police in Cape Town and his Deputy, and Clerks of the Peace, are appointed to exercise their respective Offices; and, for that

⁽¹⁾ *Vide* Ordinance, No. 73, § 12.

⁽²⁾ *Vide* Ordinance, No. 73, § 9.

⁽³⁾ *Vide* Ordinance No. 73, § 10.

⁽⁴⁾ *Vide* Ordinance No. 73, § 19.

No. 40. purpose, shall immediately apply for a Warrant for the apprehension of any Person, who, from information taken upon Oath, may be reasonably suspected of having committed the said Crime or Offence, and for summoning those Persons, whom it shall appear necessary to examine as Witnesses: and in case of refusal or failure to attend after due proof of the service of such Summons, a further Warrant under the hand of any Magistrate, to enforce the appearance of such Witnesses; or in the event of its not being known or suspected by whom the Crime or Offence was committed, a Warrant for summoning as Witnesses such Persons as aforesaid: and the Superintendent of Police in Cape Town, and every Field-Cornet and every Constable, on receiving information of any Crime or Offence, except as in the case hereinbefore excepted, shall give immediate information thereof to the Clerk of the Peace of the District within which such Superintendent of Police, Field-Cornet, or Constable, exercises his Office: in order that the said Clerk of the Peace may institute or attend the preparatory Examination, or give such directions concerning the conduct thereof, as to him shall seem necessary. ⁽¹⁾

28. When in the course of any Trial in any Inferior Court, it shall appear that the Crime or Offence under Trial is, from its nature or magnitude, only subject to the Jurisdiction or more proper for the cognizance of a Superior Court, then the Judge or Magistrate, before whom such Inferior Court is held, shall stop the Trial, and commence anew the Examination of the Person accused, and of the Witnesses, as in a preparatory Examination, and the Examinations so taken shall be reported in the manner hereinafter directed as to other Examinations. ⁽²⁾

29. Where there is any danger that delay may defeat the ends of Justice, the Judge of Police in Cape Town, any Resident Magistrate, or any Justice of the Peace, may himself commence taking the preparatory Examinations; but he shall without delay give information thereof, in Cape Town and the District thereof to the Superintendent of Police or his Deputy, and in any other District to the Clerk of the Peace of such District. ⁽³⁾

30. Every Officer conducting a preparatory Examination shall cause to be examined by the Magistrate, before whom the same is taken, every Person who can give any information on the subject of the Crime or Offence under investigation.

31. All preparatory Examinations shall be taken upon Oath, and every Witness, before giving his Evidence, shall make Oath before the Magistrate, by whom he is to be examined,

⁽¹⁾ *Vide Ordinance No. 73, § 5.*

⁽²⁾ *Vide Ordinance No. 73, § 7 and 8.*

⁽³⁾ *Vide Ordinance No. 73, § 5.*

that in the whole of his Deposition he will tell the Truth, the whole Truth, and nothing but the Truth; and each Witness shall be examined apart from the others. The Depositions shall be taken down in writing in presence of the accused Party, or if taken in his absence, shall be afterwards read over to him in the presence of the Witnesses making the same, whom he shall be entitled to cross-examine; and such depositions shall be signed by the Magistrate and by the Witnesses; and in case of their incapacity or refusal, then the same shall be signed by two Persons in whose presence the same were taken. And if any Person, having been thereto summoned, shall refuse or neglect to attend, then the Magistrate shall issue a Warrant to apprehend and bring him for Examination; and if any Witness shall obstinately refuse to give Evidence, he may be committed to, and detained in Prison until he shall comply. Every Magistrate before whom any preparatory Examination is taken, may lawfully bind any Witness, by Recognizance, to appear to give Evidence at the Trial, upon being summoned thereto, and upon his refusing, may commit, and detain in Prison, the Person so refusing, until he shall comply. ⁽¹⁾

32. When any Person suspected of a Crime or Offence, is apprehended by virtue of the Warrant hereinbefore described, the Officer, who executes the Warrant shall, with all convenient speed carry the Prisoner before the Magistrate named in the Warrant; or if the Warrant is general, before the nearest Magistrate within the District in which the apprehension takes place.

33. When any Person, suspected of a Crime or Offence, is brought before any Magistrate for Examination, such Magistrate, before commencing the Examination of the Witnesses, shall satisfy himself that the Prisoner is in his sound and sober senses.

34. After the Examination of the Witnesses in support of the Charge, in presence of the Prisoner, or after the Examinations have been read over to him, if taken in his absence, the Magistrate shall ask the said Prisoner, what he will say in answer to the Charge against him; and shall at the same time caution him, that he is not obliged to make any Statement that may criminate himself, and that what he shall say may be used in Evidence against him. The Prisoner's Statement shall then be taken down in writing, in so far as the same is relevant to the Charge, and the same, after being read over to him, shall be subscribed by him, if he will subscribe the same, and also by the Magistrate and by one Person at the least who may be present thereat.

35. When there shall appear to any Magistrate sufficient

⁽¹⁾ *Vide Ordinance No. 73, § 20.*

No. 40. grounds for putting any Person, brought before him, on Trial 1828. for the Crime or Offence of which he is accused, the Magistrate shall grant a Warrant to commit him to the Gaol of the District, there to be detained, till brought to Trial for the said Crime or till liberated in due course of Law; which Warrant shall clearly express the Crime or Offence, with which the Prisoner is charged.

36. Where sufficient grounds do not appear for at once committing the Prisoner for Trial, or for discharging him, and there shall appear to the Magistrate probability that further Evidence may be produced, the Magistrate may grant a Warrant for committing him for further Examination. Such re-commitment for further Examination may, if necessary, take place oftener than once, upon sufficient cause appearing to the said Magistrate,—which cause shall be expressed in the Warrant of Re-commitment; and every Warrant of Commitment for Examination shall specify the time, when the Prisoner is again to be brought before the Magistrate for Examination.

37. Until the Warrant for Commitment for Trial is made out, no Prisoner, even although the Offence of which he is accused is a bailable Offence, can insist on being admitted to Bail; but it is in the discretion of the Magistrate to admit a Prisoner accused of a bailable Offence to Bail, before the preparatory Examinations are concluded.

38. No Prisoner, under Commitment for Examination, shall be allowed the access of his Friends or legal Advisers, but by the authority of a Magistrate, and under such restrictions as to him may appear request; but after Commitment for Trial, the Prisoner's Friends and legal Advisers shall have free access to him, subject to the regulations of the Magistrate, to whom the superintendence of the Prison and the safe custody of the Prisoners are entrusted.

39. A Prisoner is not of right entitled to the assistance of a legal Adviser, while he is under Examination.

40. It is the duty of the Officer who conducts the preparatory Examination, to make any local inspections, which the particular circumstances of the case may render necessary; and in cases of Homicide, and serious Injury to the Person of any Individual, to cause the dead Body, or the Person injured, to be examined by a regularly admitted Medical Man, if any such can be procured, and if not, then by the best qualified Person or Persons that can be obtained, who shall draw up and subscribe a written Statement of the Appearances and Facts observed on such Examination: Provided always, that in all cases the like Duties, Inspections, and Examinations, shall and may be in like manner performed and conducted by any Field-Cornet, each in his own particular Field-Cornetcy.

41. The Officer conducting the preparatory Examination, or No. 40.
the Field-Cornet, as the case may be, shall cause all Writings, 1828.
and other Articles, exhibited by the Witnesses in the course
thereof, and likely to be used in Evidence on the Prisoner's
Trial, to be inventoried and labelled, or otherwise marked in
the presence of the Person producing the same, so as they may
be capable of being indentified at the Prisoner's Trial, and shall
cause the same to be kept in safe custody until the Trial, and
to be then produced.

42. The Chief Justice of the Colony, and Judges of the Su-
preme Court, or the Judge of Police in Cape Town, the Re-
sident Magistrates, and all Justices of the Peace, upon an in-
formation taken upon Oath being transmitted to them by the
Attorney-General, the Superintendent of Police in Cape Town,
or by any of the Clerks of the Peace, or upon the information
of any Person made on Oath before such Judge, or Magistrate,
that there is reason to suspect that stolen Goods are concealed
in any Place within the Jurisdiction of the Judge or Magistrate
to whom the information is transmitted, or before whom the
information is made, may, by Warrant under his hand, cause
every such Place to be searched during the day time.

43. Where a preparatory Examination has been taken by a
Magistrate, without the presence of the Clerk of the Peace of
the District; or, if in Cape Town and the District thereof, with-
out the presence of the Superintendent of Police or his Deputy;
such Magistrate shall forthwith deliver or transmit the Examina-
tion to the Clerk of the Peace of the District within which the
same were taken, or to the Superintendent of Police, if taken
within Cape Town or the District thereof, and the Superinten-
dent of Police and his Deputy, and every Clerk of the Peace
shall forthwith cause all preparatory Examinations, whether
taken by them, or received by them in manner above-mentioned,
to be transmitted to the Clerk of the Peace for the Cape Dis-
trict, at his Office in Cape Town, in order to be by him com-
mitted to the consideration of the Attorney-General.

44. After considering the preparatory Examinations submitted
to him, the Attorney-General may either order that the Pri-
soner shall be forthwith liberated, or committed for Trial; or
that further investigation shall take place; or shall forthwith
take such measures, and give such directions for the Trial of
the Prisoner in such competent Court of the District or Place
within which the Offence was committed, as shall be most ex-
pedient for the ends of Justice, and the due execution of the
Laws.

On Bail.

45. In every case where a Person is committed for Trial, he
shall be entitled to demand a true Copy of the Warrant under

No. 40. the hand of the Officer, Bearer thereof, or of the Keeper of the
1828. Gaol in which he is imprisoned, who shall be liable in the
penalty of a sum not exceeding Fifty Pounds Sterling, if he
refuse to give it within six hours after it is demanded by the
Prisoner or his Agent.

46 Every Prisoner committed for Trial in respect of Crimes
not capital, is entitled, as soon as the Warrant of Commitment
for Trial is made out, to be admitted to Bail.

47. For this purpose it shall be competent for the Prisoner,
at the time of the Commitment, to apply verbally to the Magis-
trate, or Judge granting the Warrant of Commitment, to be
immediately, liberated on Bail.

48. At any period, subsequent to the time of Commitment,
it shall be competent for the Prisoner to apply, by writing,
to the Magistrate, or Judge, who granted the Warrant of Com-
mitment, or to the Resident Magistrate within whose District
he is imprisoned, or to the Supreme Court, or to any of the
Judges thereof, to be admitted to Bail. But when the Commit-
ment is on a Warrant issued by the Supreme Court, or any of
the Judges thereof, it shall only be competent to apply for Bail
to the said Supreme Court, or one of the Judges thereof. Every
such written Application for Bail, shall be in form of a Peti-
tion, and shall be accompanied by a Copy of the Warrant of
Commitment, or Affidavit that a Copy is denied.

49. Every Magistrate to whom an application for Bail is
made, shall, within twenty-four hours after such application,
determine whether the Crime is bailable, and if so, modify the
amount of the Bail to be given, and failing to do so, shall be
liable in the penalty of a sum not exceeding One Hundred Pounds
Sterling.

50. In determining whether the Crime for which the Prisoner
has been committed is bailable or not, the Magistrate shall, in
the ordinary case, take the Charge against the Prisoner as he
finds it on the face of the Warrant of Commitment.

51. The Supreme Court has power to bail, in all cases what-
ever—whether capital or not, where innocence may be fairly
presumed,—and in every case where the Charge is not alleged
with sufficient certainty.

52. In case where a doubt may arise concerning the degree
and quality of the Crime, from the uncertain issue of the Deed
which has been done—as in the case of a Wound, of which it
cannot be foretold whether the Sufferer shall die or recover,
every Judge or Magistrate, to whom application for Bail is
made, may refuse to grant the same until all hazard of the Life
of the Sufferer be at an end.

53. The amount of the Bail to be taken in each case shall
be at the discretion of the Judge, or Magistrate, to whom the

application to be admitted to Bail shall be made ; provided that No. 40.
no Person shall be required to give excessive Bail. 1828.

54. In every case in which a Prisoner considers himself aggrieved by the Proceedings of the Judge of any Inferior Court, or any Magistrate, in having illegally committed him to Prison, or refused to admit him to Bail, or in having required excessive Bail, it shall be competent to such Prisoner to apply to the Supreme Court, or to the Circuit Court of the District within which he is imprisoned : or in case neither of these Courts shall be then sitting, to the Chief Justice, or any of the Judges of the Supreme Court, who shall make such Order thereon as to them, in the circumstances of the case, shall seem just.

55. The Recognizance shall be taken by the Magistrate, either from the Prisoner alone, or from the Prisoner and one or more Sureties, at the discretion of the Magistrate, according to the nature and circumstances of the case ; and the condition of such recognizance shall be, that the Prisoner shall appear and answer to any Indictment that shall be presented against him, in any competent Court, for the Crime or Offence wherewith he is charged, at any time within the space of six Months from the date thereof ; and that he will accept Service of any such Indictment, and Summons thereon, at some certain place by him elected and therein expressed.

56. The Keepers of all the Gaols within the District of Cape Town, shall, under a penalty of Five Pounds Sterling, at each Session of the Supreme Court holden for the Trial of Criminal Cases, deliver to the Court a List of all the Persons confined within their respective Gaols, which List shall specify the Date of Commitment of each Prisoner, and the cause of his Imprisonment, and the name of the committing Magistrate.

57. The Keepers of all the Gaols within the District of each Circuit Court shall, under a penalty of Five Pounds Sterling, at each Session of each Circuit Court, deliver to the Court a List of all the Persons confined within their respective Gaols ; which List shall specify the Date of Commitment of each Prisoner, and the Cause of his Imprisonment, and the Name of the committing Magistrate.

58. In every Session of the Supreme Court, holden for the Trial of Criminals, every Prisoner who has been committed for Trial within Cape Town and the Cape District, shall be brought to Trial before the said Court—provided that twenty one days have elapsed between his Commitment for Trial and such Session, or else shall then be admitted to Bail ; unless it shall be made to appear to the satisfaction of the Court, that in consequence of the absence of material Evidence, or some other sufficient cause, the Trial cannot then be proceeded in without defeating the ends of Justice ; or unless a Warrant shall have been ob-

No. 40. 1828. tained from the said Court for the transmission of the Prisoner to the Gaol of some Circuit District, in order for Trial before the Circuit Court, or any Inferior Court within the same. And if such Prisoner is not brought to Trial at the second Session of the Supreme Court holden after the date of his Commitment for the Trial of Criminals, and has not previously been tried before any Inferior Court, or before the Circuit Court, in order to his Trial before which a Warrant for his transmission to the Gaol of the District of such Circuit Court has been obtained, provided such Circuit Court, to which he has been transmitted for Trial, shall in the mean time have been holden, he shall be discharged from his Imprisonment for that Offence for which he had been committed for Trial.

59. Every Prisoner committed for Trial within any of the Districts of any Circuit Court, shall be brought to Trial at the first Session of the Circuit Court of that District, holden after the date of the Commitment—provided thirty-one days have elapsed between the date of the Commitment and the time of holding such Court, or else shall be admitted to Bail; unless it shall be made to appear to the satisfaction of the Court, that in consequence of the absence of a material Evidence, or of some other sufficient cause, the Trial cannot then be proceeded in without defeating the ends of Justice: or unless before the close of such first Session of such Circuit Court, a Warrant shall have been obtained from some competent Court for his re-committal to Gaol, in order to his Trial elsewhere. And if such Prisoner is not brought to Trial at the second Session of the Circuit Court of the District which shall be holden after the date of the Commitment, and has not previously been tried before any other competent Court, to which he shall have been transmitted as aforesaid, he shall be discharged from his Imprisonment for that Offence for which he has been committed for Trial.

60. Any Prisoner, by his own consent, and with the consent of the Public Prosecutor, may be brought to Trial either before the Supreme or Circuit Courts at any time after his Commitment; notwithstanding that the periods of twenty-one days and of thirty-one days respectively, shall not have expired. ⁽¹⁾

61. When a Warrant has been obtained from any competent Court for the transmission of any Prisoner for Trial before any other competent Court, such Prisoner shall forthwith be transmitted to the Gaol of the District of such last-mentioned Court, and shall be tried at the next Session of the said Court holden for the Trial of Criminal Cases, or otherwise shall be discharged from his Imprisonment for that Offence for which he was transmitted for Trial: Provided that such Session shall

(1) Repealed by Ordinance No. 73, § 23.

not be holden within twenty-one days after the transmission of No. 40. such Prisoner to the Gaol aforesaid. 1828.

62. No Person, who has been once discharged from Gaol, in consequence of not being brought to Trial within the period hereinbefore prescribed, shall be subject to be re-committed to Gaol, either for Examination or for Trial, for the same Offence.

63. No Person who has been admitted to Bail, and who has not been duly brought to Trial, shall be obliged to find further Bail, or shall be subject to be committed to Gaol, either for Examination or Trial, for the same Offence in respect of which he was formerly admitted to Bail.

64. Neither any such discharge from Imprisonment, nor the expiration of the Recognizance, shall be any bar to any Person being brought to Trial in any competent Court for any Offence for which he was formerly committed to Gaol, or admitted to Bail.

65. The Supreme Court and Circuit Courts shall, at the close of each of their said Sessions, discharge all such Prisoners, as by Law shall then be entitled to Liberation.

66. All the Penalties hereinbefore provided, shall be recoverable before the Supreme Court or Circuit Court within the District of which such Penalties shall be incurred, at the instance either of the Public Prosecutor or of the Party aggrieved, without prejudice to the right of the Prisoner to insist also for Damages against the Person, incurring such Penalties, in a Civil Action before any competent Court.

Form of Process in the Supreme Court and Circuit Courts.

67. The Form and Manner of Proceeding in the Trial of Crimes to be observed in the Supreme Court and Circuit Courts respectively, shall, in pursuance of His Majesty's Charter, be according to the Rules, Orders, and Regulations framed, constituted, and established by the said Supreme Court.

God, save the King !

Given at the Cape of Good Hope, 25th January 1828.

By Command of His Honor the Lieutenant-Governor,

(Signed) John Bell, Acting Sec. to Govt.

By Order of the Council,

(Signed) D. M. Perceval, Clerk of the Council.

No. 41.—Signed, Rich. Bourke.

Ordinance for determining the Qualification of Persons liable to serve on Grand and Petit Juries, and the Mode of making out and returning Lists of the same. (1)

WHEREAS by His Most Gracious Majesty's Charter, bearing date the 24th day of August 1827, it is ordained directed and appointed, that in any Criminal Cause depending before the Supreme Court of this Colony, the Trial of the Party, or Parties, accused, shall be before one or more of the Judges of the said Court, and a Jury of Nine Men, who shall concur in every Verdict to be given on the Trial of any such accused Party, or Parties : And whereas by the said Charter, it is also directed and appointed, that all Crimes and Offences cognizable in the Circuit Courts of this Colony, shall be inquired of, heard, and determined, by the Circuit Judge, and a Jury of Nine Men ; unless upon the Trial of any Crime or Offence before any of the said Circuit Courts, Nine good and lawful Men, being duly summoned, shall not appear, to form a Jury, then, and in all such cases, such Trial shall be had before the Judge and any number of the Jury who shall appear, not being less than Six, who shall be sworn, and shall have the same power as if the usual number of Nine had appeared : Now, therefore, in pursuance of the Powers and Directions aforesaid in the said Charter contained, Be it enacted, by His Honor the Lieutenant-Governor in Council, That from and after the passing of this Ordinance, every Man, except as hereinafter excepted, between the Ages of Twenty-one Years and Sixty Years, residing within the Colony and its Dependencies, who shall have the possession of any Land situated within this Colony, held on Perpetual Quitrent, or on Loan, and for which he is liable to pay an annual Rent of not less than One Pound Seventeen Shillings and Sixpence, Sterling ; or of Freehold Land of the same annual value ; or who shall be liable to pay in Cape Town and the District thereof, a sum not less than Twenty Shillings Sterling, and in any and every other part of the Colony, a sum not less than Fifteen Shillings Sterling, for or on account of Taxes already imposed, or hereafter to be imposed by any Law or Ordinance, shall be qualified,

(1) Allowed by the Home Government, but repealed by Ordinance No. 84, *infra*.

and shall be liable, to serve on Juries, in all Criminal Cases, No. 41.
in the Supreme and Circuit Courts; such Cases being 1828.
triable in the Districts respectively in which every Man so
qualified shall reside.

2. Provided always, and be it further enacted, That all Judges of the Supreme Court—all Clergymen in Holy Orders—all Priests of the Roman Catholic Faith—all Persons licensed to teach or preach in any Congregation assembled for Religious Worship—all Advocates actually practising—all Attorneys and Proctors duly admitted by the Supreme Court, or Court of Vice-Admiralty, and actually practising—all Officers of any Courts of Superior or Inferior Jurisdiction, exercising the Duties of their respective Offices—all Jailors and Keepers of Houses of Correction—all Persons duly admitted to practise as Physicians, Surgeons, or Apothecaries, and actually practising—all Officers in His Majesty's Army or Navy, on full Pay, or in active Employment—all Persons employed in the Civil Service of His Majesty's Government in this Colony—and all Field-Cornets, Sheriffs' Officers, Constables, and Church Clerks—shall be, and are hereby absolutely freed and exempted from being returned, and from serving upon any Jury whatsoever; and shall not be inserted in the Lists to be prepared by virtue of this Ordinance, as hereinafter mentioned: Provided Further, that no Man who has been, or shall be attainted of any Treason or Felony, or convicted of any Crime that is infamous, unless he shall have obtained a free Pardon; nor any Man who is under Outlawry or Excommunication, shall be qualified to serve on Juries, on any account, or on any occasion, whatsoever.

3. And be it further enacted, That immediately upon the promulgation of this Ordinance, and on or before the first day of February in every subsequent year, the Collector of Taxes in Cape Town, and the Civil Commissioner in each District of the Colony, shall prepare and make out a true List of every Man residing within his District, who shall be qualified, and liable to serve on Juries as aforesaid, with the Christian and Surname written at full length, with the true Place of Abode, the Title, Quality, Calling, or Business, and the nature of the qualification of every such Man, in the proper columns of the form of the Jury List set forth in the Schedule hereunto annexed.

4. And be it further enacted, That the Collector of Taxes in Cape Town, and each Civil Commissioner, shall, on the first day of March next, or as soon after as conveniently may be, and on the first day of February in every subsequent year, cause a true Copy of such List to be affixed on the principal Door of every Church, Chapel, or other Place of Public Worship, and of every Court House within his respective District; having subjoined thereto, a Notice, stating that all objections to the List will be

No. 41. heard by the Judge of Police in Cape Town, or the Resident Magistrate of the District, in the present year within twenty-one days after such List shall have been so affixed ; and in every subsequent year upon the 21st day of the said month of February, at the place where such Magistrate usually holds his Court : and the said Collector of Taxes, or Civil Commissioner, shall sign his name at the foot of such Copy, and shall likewise keep the original List, or a true Copy thereof, to be perused by any of the Inhabitants of his District, at all reasonable times, without any Fee or Reward ; to the end, that Notice may be given of Men qualified who are omitted, or of Men inserted who ought to be omitted out of such List : and the said Collector of Taxes, or Civil Commissioner, shall further transmit to each Field-Cornet, or Wardmaster, within his District, a similar List of every Man residing within the Field-Cornetcy, or Ward, of such Field-Cornet or Wardmaster respectively, who shall cause the same to be duly affixed and published therein also.

5. And be it further enacted, That upon the 21st day after the publication of the List in the present year, as hereinbefore provided, and upon the said 21st day of February in every subsequent year, the Judge of Police in Cape Town, and the Resident Magistrate in each District, shall hold a Court for the purposes of this Ordinance ; and the Collector of Taxes, and Civil Commissioners of each District respectively, shall transmit to the Judge of Police, or the Resident Magistrates at the said Court, the said List ; and, if any Man not qualified, and liable to serve on Juries as aforesaid, be inserted in such List, it shall be lawful for the said Judge of Police, or Resident Magistrate, upon satisfaction by Oath of the Party complaining or other Proof, upon Oath that he is not qualified or liable to serve on Juries, to strike his name out of the said List, and also to strike thereout the names of Men disabled by Imbecility of Mind, or by Deafness, Blindness, or other permanent Infirmary of Body, from serving on Juries. And it shall also be lawful for the said Judge of Police, or Resident Magistrate, to insert in the said List, the name of any Man improperly omitted therein, and likewise to reform any errors or omissions which shall be proved to him to have been committed in preparing the said List.

6. And be it further enacted, That after the said List has been transmitted, considered, and reformed, as aforesaid, the said Civil Commissioners, and Collector of Taxes, shall forthwith transmit the same to the Sheriff of the Colony at Cape Town ; and the said Sheriff shall cause the same to be fairly and truly copied in a Book, to be called " The Jurors' Book, of the District of " (inserting the District) ; and the said List shall be used for one year, and until the return of new Lists for the subsequent year shall be made to the said Sheriff,

in manner herein-before provided: Provided always, that it shall and may be lawful for the Sheriff, and he is hereby required, to comprise the Lists of Cape Town and the District thereof, and of the Cape District, in one and the same List, to be entered in one and the same Book, to be called "The Jurors' Book of the Cape District." No. 41. 1828.

7. And be it further enacted, That no Person shall be put on Trial, on any Indictment, at any Criminal Session of the Supreme Court, unless the Bill of such Indictment shall first have been presented to a Grand Jury, and shall have been returned by them, a True Bill.

8. And be it further enacted, That every such Grand Jury shall consist of not more than Seventeen Men, and not less than Nine Men, between the age of Twenty-one and Sixty years; of good fame and condition; possessing Property in Land or Houses within Cape Town or the District thereof, or the Cape District, of the value of Two Thousand Pounds Sterling.

9. And be it further enacted, That the Collector of Taxes in Cape Town and the District thereof, and the Civil Commissioner of the Cape District, or such other Officer as shall by Law be required to make up and return annually to the Sheriff of the Colony, Lists of the Names of such Persons within the places aforesaid, as are or shall be, by Law, qualified and liable to serve on Petty Juries, shall mark the words "Grand Juror," against the Names of such Persons in the said Lists as are, by this Ordinance, or shall be hereafter, declared to be qualified and liable to serve as Grand Jurors.

10. And it further enacted, That if any Man having been duly summoned by the said Sheriff or his Deputies, to attend before the Supreme Court, or any Circuit Court, to serve as a Juror, shall not attend pursuant to such Summons, or being thrice called shall not answer to his name. or after his appearance shall wilfully withdraw himself from the said Court, then, and in every such case, it shall and may be lawful for the said Court, to set such Fine upon every such Man so making Default, (unless some reasonable Excuse shall be proved by Oath or Affidavit,) as the Court shall think meet, not exceeding the sum of Ten Pounds Sterling.

11. And be it further enacted, That for the purpose, and under the provisions of this Ordinance, the Residency and District of Simon's Town shall be deemed and taken to be within the Cape District, and the Township of Port Elizabeth shall be deemed and taken to be within the District of Uitenhage.

12. And be it further enacted, That, if any of the Days mentioned in this Ordinance shall happen to be a Sunday, or Holiday, then, any thing herein required to be done on any such Day, shall be done on the first lawful Day following.

No. 41.
1828.

Form of Jury List—Schedule (A).

Christian and Surname at full length.	Place of Abode.	Title, Quality, Calling, or Business.	Nature of qualification

God save the King!

Given at the Cape of Good Hope, 4th February 1828.

By Command of His Honor the Lieutenant-Governor,
(Signed) John Bell, Acting Sec. to Govt.

By Order of the Council
(Signed) T. Miller, Acting Clerk of the Council.

No. 42.—Signed, Rich. Bourke.

Ordinance for regulating the Establishment of the Orphan Chamber, and for the better Administration of Estates held in Trust by the Members thereof. (1)

WHEREAS the Establishment of the Orphan Chamber in this Colony has become an Institution of great Public interest and utility and should be therefore placed under permanent and more determinate Regulations than heretofore have been found necessary for administering Estates entrusted thereto: Be it therefore enacted, by His Honor the Lieutenant-Governor in Council, that from and after the passing of this Ordinance, the Members constituting the said Orphan Chamber, shall consist of a President and four Masters, who shall be appointed by the Governor, or Lieutenant-Governor, for the time being; and two of which said Masters shall act gratuitously, and be selected from the Civil Servants of the Government. And it shall and may be lawful for the said Governor, or Lieutenant-Governor, to appoint a Secretary, Book-

(1) Allowed by the Home Government, see Order in Council, 24th Nov. 1828, *infra*—But virtually repealed by the Charter of the 4th May 1832,—and expressly repealed by the Ordinance No. 104, see *infra*.

keeper, and such number of Clerks as may be required, No. 42. who shall be under the superintendance, and act according to the directions, of the said Members: and the said President, and stipendiary Masters, Secretary, and other Persons employed in the said Orphan Chamber, shall be paid such Salaries respectively as His Majesty shall be pleased to appoint. 1828.

2. And be it further enacted, That every Person appointed as aforesaid, to act as President, Master, or Secretary, of the said Orphan Chamber, shall, before he enters upon the Duties of his Office, take the Oath of Allegiance and the following Oath of Office before the Governor or Lieutenant Governor; that is to say—

I, A. B. do swear, that I will, to the best of my knowledge and ability, faithfully execute and perform the Duties of President (Master or Secretary, as the case may be) of the Orphan Chamber.
So help me God!

And the Secretary for the time being shall enter in the Records of the said Chamber, that the said Oath was duly administered and taken.

3. And be it further enacted, That the President and Masters of the said Orphan Chamber who receive Salaries, shall meet in the said Orphan Chamber, for the performance of the Duties of their Office, on One Day of the Week at least, and oftener if there shall be occasion: at which Meetings the two Honorary Masters shall also attend, unless prevented by urgent Public Duties; and the Authority of the said Honorary Masters shall be in every respect equal to that of the said stipendiary Masters.

4. And be it further enacted, That it shall and may be lawful for the President and Masters of the said Orphan Chamber, and they are hereby required, to appoint such Persons as to them shall seem fit, to act as Appraisers for the Valuation of Estates to be administered by the said Orphan Chamber, and to allow to the said Appraisers a moderate and reasonable compensation for such services as they may be required to perform, to be borne and paid by the respective Estates which may be valued by them respectively: Provided always, that no Person shall act as such Appraiser, in any case where he has an interest in the Estate to be valued or appraised.

5. And be it further enacted, That every Person so appointed as aforesaid to act as Appraiser, upon every Valuation of any such Estate as aforesaid, shall take an Oath before any Magistrate, (who is hereby empowered and required to administer the same, and to certify that such Oath was duly taken), that such Valuation is the just, proper, and true Valuation thereof, to the best of his skill and knowledge; and shall forthwith return the said Valuation, with the said Oath so certified as aforesaid annexed thereto, to the said Orphan Chamber; and the Secretary

No. 42. for the time being shall enter the same in the Records of the 1828. said Chamber.

6. And be it further enacted, That all Sales of Property in this Colony, made by order of the said Orphan Chamber, shall be conducted by a Licensed Auctioneer, to be appointed by the said Members; and the said Secretary shall keep a Register of every such Sale, and of the day on which the Proceeds thereof respectively become payable. (1)

7. And be it further enacted, That the amount of the Proceeds of all such Sales, immediately upon the receipt thereof, shall be paid into the Discount Bank, and shall be carried to the Account of the Orphan Chamber; and that no part of the amount of such Proceeds as aforesaid shall be withdrawn from the said Bank, otherwise than upon Checques signed by two at least of the Masters of the said Orphan Chamber.

8. And be it further enacted, That it shall and may be lawful for the Members of the said Orphan Chamber, to leave in the hands of the said Secretary, a floating Balance, not exceeding Two Hundred Pounds Sterling;—provided always, that the Accounts of the Disbursements of such Balance be audited and allowed by the Members of the said Orphan Chamber at their Weekly Meetings.

9. And be it further enacted, That at every such Meeting as aforesaid, the said Secretary shall render to the said Members a full and true account of all Sums received, and Payments made, by him, since the last previous Meeting of the said Orphan Chamber. And the said Members are hereby required carefully to compare each and every item in the said Accounts with their respective Vouchers, and shall, if they find the same correct, subscribe their Names at the foot of such Account, to verify the correctness and accuracy thereof.

10. And be it further enacted, That the Members of the said Orphan Chamber shall, on the first day of June, and on the first day of December, in each year, or on the first Court Day next after such days respectively, if no Court shall be holden on such days respectively,—deliver to the Judges of the Supreme Court, at a Public Session of that Tribunal, an account in writing of all Proceedings done by them during the six months last preceding; which account shall contain a statement of the Names of all deceased Persons, whose Estates have, during the time aforesaid, been under the Administration of the said Orphan Chamber, together with an estimated Amount and Value of such Estates respectively during the time aforesaid—and the Amount remaining in the custody of the said Orphan Chamber on account of such Estates respectively—and an Account of all Mortgages, or other Securities, for Money accepted by the

(1) *Vide Ordinance No. 52, infra.*

said Orphan Chamber during the time aforesaid—and the gross No. 42.
 Amount of the Expenditure of the said Orphan Chamber during 1828.
 the time aforesaid—and the gross amount of the Funds remain-
 ing at the disposal of the said Orphan Chamber at the time of
 exhibiting such Account. And the said Members shall annex, or
 cause to be annexed to the said Accounts and Statements, all
 such general Statements and Remarks as may be necessary to
 elucidate, or required by the Court to elucidate, the progress of
 the Orphan Chamber in the Administration of the Funds under
 its charge; and which said Accounts and Statements shall be
 delivered to the Registrar of the said Supreme Court, to be by
 him filed as of Record in his Office, and a true Copy thereof
 shall be transmitted by the said Members to the Secretary to
 Government, for the information of the Governor in Council.

11. And be it further enacted, That the said Secretary shall,
 at the same time, deliver to the Judges of the said Supreme
 Court, a separate Account of all Charges made by the said
 Orphan Chamber, against any Person or Persons during the
 time aforesaid, for Poundage or Fees of Office; and which said
 Account shall be referred to the Master of the said Supreme
 Court for Taxation; and the said Secretary shall not have or be
 paid his half-yearly Salary, unless he produce from the Master
 of the said Supreme Court, a Certificate that such Charges
 have been taxed and allowed: Provided always, that the said
 Secretary may appeal to the Supreme Court, if he shall not be
 satisfied with such taxation.

12. And be it further enacted, That the said stipendiary
 Masters of the said Orphan Chamber, and the said Secretary,
 shall not be allowed to credit themselves in their accounts with
 the half-yearly Salaries due to each respectively, unless upon
 production of a Certificate signed by one of the Judges of the
 said Supreme Court, that the Account for the half-year last
 preceding, has been duly delivered to the said Supreme Court.

13. And be it further enacted, That the President and the
 stipendiary Masters of the said Orphan Chamber, shall be liable
 to any Legal Process at the suit of any Person or Persons to
 the same extent, and in the same manner, as Executors now
 are, or hereafter may be liable.

14. And whereas it is inexpedient, that Property belonging
 to Persons who die in Vessels touching at this Colony, should
 be administered in all cases as heretofore by the said Orphan
 Chamber: Be it therefore enacted, That from and after the pass-
 ing of this Ordinance, the said Chamber shall not assume the Ad-
 ministration of any Property belonging to any Person or Persons
 who may die in any Vessel touching at any Place in this Colony
 and which Property shall be actually on board of such Vessel,
 unless there shall be Property belonging to the Deceased in this
 Colony at the time of his Death, or unless the Master of, or

No. 42. any Passenger or Seaman in, the Ship in which any Person
 1828. may die, or some or any of the near Kindred of the Deceased, shall make request to the Members of the said Orphan Chamber to assume the Administration of the Property of such deceased Person; and the said Members shall not accede to any such request, unless it be made out to their satisfaction, that by their assuming the Administration of such Property, some loss or injury to the said Property may be prevented.

15. And whereas in cases where Estates are under the Administration of the Orphan Chamber, have been the Property of Persons resident abroad, great inconvenience has arisen to the Parties interested therein, from not having certain knowledge of the state of their Property and their interest therein: Be it therefore enacted, That on the first day of April next, and on the first day of each succeeding Quarter in every Year, the Secretary of the said Orphan Chamber shall draw up an exact Account of the Amount of all Estates which belong wholly, or in part, to Persons not residing within the Colony, with a Statement of the Names of the Persons who are supposed to be interested therein, and shall forthwith deliver two Copies thereof to the Colonial Secretary, who shall cause the same to be transmitted for publication in the London Gazette, and other Newspaper, or Newspapers, of that Country to which the Deceased belonged, or his Family respectively may be supposed to belong; and in the said Advertisements, all Parties interested shall be invited and required to transmit their Claims to the Orphan Chamber for Examination; and the Expenses of Such Advertisements shall be borne proportionably by the Estates to which they relate.

16. And be it further enacted, That from and after the first day of April next, the Members of the said Orphan Chamber, in keeping their Accounts with their Wards respectively, shall debit themselves with Interest at the rate of Six per Cent per annum, upon the amount of the respective income of every such Ward, which shall exceed the sum necessary for their maintenance respectively—provided such Excess be not less than the sum of Five Pounds Sterling: and for that purpose, it shall and may be lawful for the said Members to lay out at Interest, upon sufficient real Security, all and every Sum or Sums of Money, being such surplus Income as aforesaid.

17. And be it further enacted, That the Members of the Orphan Chamber for the time being, shall immediately, upon taking any House or Building as a Security for the Property of any Ward or Wards, effect such Policies of Insurances thereon, and renew the same as to them shall seem meet.

18. And be it further enacted, That it shall and may be lawful for the Members of the said Orphan Chamber, to charge the

Estate administered by them respectively, with the Fees and Charges, in the following Table set forth, that is to say—

No. 42.
1828.

For attending at the Sealing, making Inventories, Appraisements, and Sales of Estates, and for all extra Duties relating to the management of Estates :—

To the Commissioned Members and the Secretary, each 3s per diem.

To the Clerk and Messenger, each 1s. 6d. per diem.

For attending at the Transfer of real Property, and the Examination of Accounts of Liquidation of Estates :—

To Commissioned Members, 1s. 6d. each.

On the Amount of all Inheritances and Legacies paid in ready Money into the Orphan Chamber, in order to be administered there, secured as the Property of the Board, $2\frac{1}{2}$ per Cent.

On the Amounts of Interest collected on the Monies administered for Orphans and others, One half per Cent.

On the Amount of Cash, and outstanding Claims of Estates, collected by the Board, One quarter per Cent.

On the nett Proceeds of all Estates administered in the Orphan Chamber, after deduction of all Debts and Charges, $3\frac{1}{2}$ per Cent.

For framing Inventories—for the first and last Sheets, 3s. each—1s. 6d. for each of the others.

For framing Advertisements of Sales, Summonses of Creditors and others—in each instance, 1s. 6d.

For framing Receipts of Inheritances, or of Interest—for each instance, 9d.

For framing Reports or Memorials—for each Sheet, 3s. 6d.

For framing Accounts of the Liquidation of Estates, according to their extent and intricacy—from 4s. to £ 2 5s. each, as per following Scale of Accounts :

	£.	s.		£.		£.	s.
On all Accounts of	37	10	and not exceeding	100	a Fee of	0	4
—	100	0	—	200	—	0	5
—	200	0	—	300	—	0	6
—	300	0	—	400	—	0	7
—	400	0	—	500	—	0	8
—	500	0	—	600	—	0	9
—	600	0	—	700	—	0	10
—	700	0	—	800	—	0	11
—	800	0	—	900	—	0	12
—	900	0	—	1,000	—	0	13
—	1,000	0	—	2,000	—	0	16
—	2,000	0	—	3,000	—	0	19
—	3,000	0	—	4,000	—	1	2
—	4,000	0	—	5,000	—	1	5
—	5,000	0	—	6,000	—	1	8
—	6,000	0	—	7,000	—	1	11
—	7,000	0	—	8,000	—	1	14
—	8,000	0	—	9,000	—	1	17
—	9,000	0	—	10,000	—	2	0
—	10,000	0	and upwards,	—	—	2	5

- No. 42. For the Registry of Wills and Inventories—for each, 2s. 3d.
 1828. For the Registry of the Names of Deceased in the Death Register, excepting those, who, owing to their Poverty, were buried at the Expense of Church—for each individual, 2½d.

For Copies of every description—for the first and last Sheets, 1s. 6d. each—and for the others, 9d. each.

For taking the Opinion of the Members on any Subject (*by omvra*ge), in order to obtain a Decree at a time that no Meeting of the Board is holden—for every instance, 4s. 6d.

Provided always, that in all cases where any Estate administered by the said Orphan Chamber shall not amount in the whole to the sum of Thirty-seven Pounds Ten Shillings Sterling, no Charge shall be made for the Administration thereof, save Two and a half per Cent. for Poundage Duty, and Auctioneers' Charges payable thereon. And Provided always, and be it further enacted, That it shall and may be lawful for the Governor in Council for the time being, to vary and alter the Amount of the said Fees and Charges from time to time, so that the same as nearly as may be, shall meet the necessary Expenditure of the said Chamber.

19. And be it further enacted, That in all cases of Estates under the value last mentioned—and in all cases where any Heir appears and receives the Portion of any absent Co-heir, the proceeding by Edict shall not be used.

20. And be it further enacted, That it shall and may be lawful for any Person, on any day between the hours of Ten in the Forenoon, and of Two in the Afternoon, (Sundays and Holidays excepted), to apply at the said Orphan Chamber, and demand to see any Will or Wills deposited there, or to demand any Copies or Extracts thereof :—and for every such inspection there shall be paid, for the benefit of the said Orphan Chamber, a sum of One Shilling Sterling; and for every Copy or Extract, per folio of ninety-two words, the sum of Fourpence : Provided always, that the Guardian of Slaves shall at all times, between the hours aforesaid, be permitted to see any Wills, and take any Copies or Extracts therefrom, relating to any Matter in which a Slave is concerned, without the payment of any Fee or Charge whatever.

God save the King !

Given at the Cape of Good Hope, 25th February 1828.

By Command of His Honor the Lieutenant Governor,
 (Signed) John Bell, Acting Secretary to Govt.

By Order of the Council,
 (Signed) Thomas Miller, Acting Clerk of the Council.

No. 43.—Signed, Rich. Bourke.

Ordinance for empowering the Collector of Taxes in Cape Town, and the Civil Commissioners of the Country Districts, to collect the several Taxes and Duties now or hereafter to be imposed, and payable within the Colony. (1)

WHEREAS certain of the Taxes now payable in this Colony have been heretofore collected and got in by the Landdrosts, Landdrosts and Commissioned Heemraden, Deputy Landdrosts, Deputy Landdrosts and Commissioned Heemraden, Residents, and Residents and Commissioned Heemraden, of the several Districts, Subdistricts, and Residencies, respectively; and certain others of the said Taxes have heretofore been collected by and got in by the late Burgher Senate; And whereas the Offices of Landdrost, Deputy Landdrost, and Resident, have now ceased and determined, and the said Burgher Senate has been abolished, whereby the Revenue can no longer be collected as heretofore, and it is therefore necessary to make some other Provision in that behalf: Be it therefore enacted, by His Honor the Lieutenant-Governor in Council, that the several Taxes and Duties heretofore payable to, and levied by, the said Burgher Senate, shall, from and after the passing of this Ordinance, be payable to, and levied by, the Collector of Taxes in Cape Town;—and the several Taxes and Duties heretofore payable to, and levied by, the Landdrosts, Deputy Landdrosts, and Residents, of the several Districts, Subdistricts, and Residencies, and all Taxes hereafter to be imposed, shall, from the time aforesaid, be payable to, and levied by, the said Collector and the Civil Commissioners respectively, within their respective Jurisdictions; and the said Collector and Civil Commissioners shall have full Right and Power to collect all Taxes and Duties, and Arrears thereof, and to sue for and recover the same by any Action or Suit to be brought by them in any competent Court.

2. And be it further enacted, That the said Collector of Taxes, and the said Civil Commissioners, shall take the following Oath before the Chief Justice, or any of the Judges of the Supreme Court, or any Resident Magistrate (who are hereby

(1) Allowed by the Home Govt.—*vide* also Ordinances No. 55 and 57.

No. 43. empowered and required to administer the same), before they 1828. act in pursuance of the provisions of this Ordinance.

I, A. B. do swear, that I will act truly, faithfully, impartially, and honestly, according to the best of my skill and knowledge, in collecting the several Taxes which I am empowered to do by an Ordinance marked No. 43. bearing date the 28th day of February 1828; and that I will act in all matters and things which shall be brought before me in collecting the said Taxes, without favor or affection, So help me God!

God save the King:

Given at the Cape of Good Hope, 28th February 1828.

By Command of His Honor the Lieutenant-Governor,

(Signed)

John Bell, Acting Sec. to Govt.

By Order of the Council,

(Signed)

Thomas Miller, Acting Clerk of the Council.

No. 44.—Signed, Rich. Bourke.

Ordinance for establishing and regulating the Court of the Judge of Police and Resident Magistrate for Cape Town and the District thereof, and the Cape District, and for other purposes. (1)

WHEREAS His Most Gracious Majesty's Charter for the better and more effectual Administration of Justice in this Colony, bearing date the 24th day of August 1827, authorises and empowers the Governor for the time being of this Colony, with the Advice of the Council of Government, by any Laws and Ordinances to be from time to time made for that purpose, to erect, constitute, and establish, Courts of Request and other Courts having Jurisdiction in Civil and Criminal Cases within this Colony—provided that the Jurisdiction of such Civil Courts shall not be extended to any Case wherein the Sum or Matter in dispute shall exceed the amount or value of Forty Pounds Sterling Money, or wherein the Title to any Lands or Tenements, or any Fee, Duty, or Office, may be in question, or whereby Rights in future may be bound;—and provided also, that the Jurisdiction of such Courts, in Criminal Cases shall not be extended to any

(2) Allowed by the Home Government;—but altered and partially repealed by Ordinances No. 89 and No. 1, 1834. See also Ordinance No. 73.

Case wherein any Person may be accused of any Crime No. 44.
punishable by Death, Transportation, or Banishment 1828.
from this Colony :—And whereas by an Ordinance (No. 36)
bearing date the 5th day of January 1828, it is (amongst
other things) enacted, that it shall and may be lawful for
the Governor for the time being, to appoint one Judge of
Police to exercise in Cape Town and in the Cape District
certain Jurisdiction, Powers, and Authority therein men-
tioned; and whereas it is expedient and necessary to
repeal the same, and to provide for the more prompt and
effectual Administration of Justice in Civil Cases of small
Amount or Value, arising in Cape Town and the District
thereof and in the Cape District; and also in cases of
Crimes and Offences committed therein not punish-
able with Death, Transportation, or Banishment:—And
whereas it is also expedient and necessary to provide for
the Legalization and due Registration of Marriages in the
said Town and District :—Be it therefore enacted by His
Honor the Lieutenant-Governor in Council, that the said
Judge of Police shall from and after the passing of this
Ordinance be, and be called, “the Judge of Police and
Resident Magistrate for Cape Town and the District
thereof and the Cape District.”⁽¹⁾

2. And be it further enacted, That it shall and may be
lawful for the Governor or Lieutenant-Governor of this Colony,
for the time being, from time to time, as occasion may require,
to appoint, under the Great Seal of this Colony, a fit and proper
Person to be the Judge of Police and Resident Magistrate for
Cape Town and the District thereof, and for the Cape District.

3. And be it further enacted, That every Person who shall
be appointed to be Judge of Police and Resident Magistrate
as aforesaid, shall take the Oath of Allegiance and the Oath of
Office, set forth in the Schedule hereunto annexed, before one
of the Judges of the Supreme Court of the said Colony; which
Oath shall stand recorded in the Record Book of the Proceed-
ings of the Court hereby established.

4. And be it further enacted, That the said Judge of Police
and Resident Magistrate shall have and exercise, in Cape
Town and in the District thereof and in the Cape District, Juris-
diction in all Civil Cases, wherein the Sum or Matter in dispute
shall not exceed the Amount or Value of Twenty Pounds Ster-
ling, and wherein the Title to any Lands or Tenements, or any
Fee, Duty, or Office is not in question, and whereby Rights in
future cannot be bound.

⁽¹⁾ *Vide* Ordinance No. 89 § 6.

No. 44. 5. Provided always, and be it further enacted, That it shall
1828. and may be lawful for any Party, who shall think himself aggrieved by any Judgment, Sentence, or Decree of the said Judge of Police and Resident Magistrate, in any Civil Cases wherein the Sum or Matter in dispute, exclusive of Costs, shall exceed the Amount or Value of Five Pounds Sterling, to appeal therefrom to the Supreme Court, upon making known such his intention to the Clerk of the Court of the said Judge of Police and Resident Magistrate, on or before the next Court Day after the same is given, and upon then depositing with him the Sum of Four Pounds Sterling, as Security for, or towards the Costs of, conducting the said Appeal.

6. And be it further enacted, That the said Judge of Police and Resident Magistrate shall have Jurisdiction, without Appeal, in all Cases of Crimes and Offences, wherein any Person may be accused of any Crime not punishable by Death, Transportation, or Banishment from this Colony: Provided always, that it shall not be lawful for the said Judge of Police and Resident Magistrate to punish any Offender in any higher or more severe manner than by Fine not exceeding the Amount of Five Pounds Sterling, and Imprisonment with or without hard Labour, or on the Tread Mill, for a period not exceeding One Month, or by whipping in Prison not exceeding seventy-five Lashes; except as to such Crimes or Offences, for the commission of which any higher or more severe Punishment, whether by Fine or Imprisonment, is or shall be provided, and in which Jurisdiction is or shall be expressly given to him by any special Law or Ordinance.

7. And be it further enacted, That the said Judge of Police and Resident Magistrate shall hold a Court on Wednesday in every week, and oftener if necessary, for hearing and determining all such Cases, Civil and Criminal, as are within his Jurisdiction as aforesaid;—but if Wednesday shall happen to be on a Holiday he shall hold the said Court upon the following day;—and (except in such Cases wherein it shall be otherwise provided by Law) he shall be guided in the Manner and Form of proceeding in the said Court by the like Rules, Orders, and Regulations as are or shall be from time to time made, ordained, and established, by the Governor or Lieutenant-Governor in Council, by and with the Advice and Consent of the Chief Justice for the time being, for the several Courts of the Resident Magistrates in this Colony.

8. And the said Judge of Police and Resident Magistrate shall hold a Police Court daily (Sundays and Holidays excepted), for hearing and disposing of all Misdemeanors not subject to a more severe punishment than Correction in the Public Prison;—Imprisonment with or without hard Labour, or on the Treadmill, not exceeding fourteen days;—Fines fixed and ascertained

by the Law, and not exceeding Forty Shillings Sterling;—all No. 44.
 petty Complaints of a criminal nature, between Masters of Ships 1828.
 and their Seamen—between Masters and their Apprentices, Servants, or Slaves,—Parents and their Children: and the said Judge of Police and Resident Magistrate shall, at his said Court, hear and summarily dispose of the said lastmentioned Cases, according to Law;—and the Clerk of the said Court shall enter the Proceedings therein in a Book to be kept by him for that purpose, and to be called “the Police Record Book of the Court of the Judge of Police and Resident Magistrate for Cape Town and the District thereof and the Cape District,” in like manner and form as is or shall be by any Rule, Order, or Regulation, made, ordered, and established, by the Governor or Lieutenant-Governor, by and with the Advice and Consent of the Chief Justice for the time being, for recording Cases in the Criminal Record Book of the several Courts of Resident Magistrates in this Colony;—and, except as aforesaid, it shall not be necessary for the Proceedings in the said Police Court, or any part thereof, to be committed to writing. (1)

9. And be it further enacted, That all Persons apprehended within the Jurisdiction of the said Judge of Police and Resident Magistrate, for Riot, Drunkenness, Vagrancy, and lodged by the Police or Watchmen in any Prison or Watchhouse in Cape Town, shall be brought before the said Court immediately on the first opening thereof after their apprehension; and the said Judge of Police and Resident Magistrate shall proceed forthwith to examine all such Persons, and shall decide and dispose of their respective Cases according to Law. (2)

10. Provided always, and be it further enacted, That if any Person shall be apprehended and lodged in any Prison or Watchhouse in Cape Town or the District thereof the night preceding any Holiday on which the said Court is not holden, it shall and may be lawful for the said Judge of Police and Resident Magistrate, and he is hereby required to cause such Persons to be brought before him at an early hour of the next morning, either at the Court, his private Dwelling House, or the Prison or Watchhouse,—as to him may seem fit; and after summary Examination of such Persons, to commit them until the next Court Day, or hold them to Bail, or discharge them as the case may require. (3)

11. And be it further enacted, That no Person shall in any case be kept or detained in Confinement by the Police in Cape Town or the District thereof, for a longer period than twenty-four hours (unless Sunday should intervene), under any pretence

(1) Repealed by Ordinance No. 4—1834.

(2) Repealed by Ordinance No. 4—1834.

(3) Repealed by Ordinance No. 4—1834.

No. 44. whatsoever, without being brought before the said Judge of
 1828. Police and Resident Magistrate, or other Competent Magistrate, to be dealt with according to Law:—and the said Judge of Police and Resident Magistrate shall, and he is hereby required and directed to examine into any Complaint that may be made before him, of any Person unlawfully detained in custody by any Officer of Police, and into any Complaint of vexatious or frivolous Arrest by the same, and to punish the Officer so offending by Fine not exceeding Five Pounds Sterling, or Imprisonment not exceeding One Month, as to him shall seem fit. ⁽¹⁾

12. And be it further enacted, That from and after the passing of this Ordinance, the said Judge of Police and Resident Magistrate shall, assisted by his Clerk, hold a Matrimonial Court for Cape Town and the District thereof and the Cape District, on Saturday in every week, or oftener if necessary, for the doing and performing all such Matters and Things as are by Law necessary to be done and performed in and about the contracting and legalization of Marriages within the Jurisdiction of the said Court, and which were heretofore necessary to be done and performed by the Matrimonial Court of Cape Town and the Matrimonial Court of the Cape District, lately existing in and for the said Town and District.

13. And be it further enacted, That all Registrations of Marriage shall be made through and by the said Court of Judge of Police and Resident Magistrate, and all Certificates of Registration shall be granted by the said Clerk in like manner as such Registrations were made and such Certificates granted by the said late Matrimonial Courts or the Secretaries thereof respectively;—and every Act and thing which was by Law necessary to be done and performed in the said Matrimonial Courts for the due Registration and Legalization of Marriage, shall be and is hereby required to be done and performed in the said Court of Judge of Police and Resident Magistrate, and the same shall be of the like force and effect as the same obtained when done or performed by the said late Matrimonial Courts.

14. And be it further enacted, That all the Records, Muni-ments, and Proceedings whatsoever, of and belonging to the late Courts of Landdrost and Heemraden, and the late Courts for Matrimonial and Petty Law Cases, in and for Cape Town and the District thereof and the Cape District, shall from and immediately after the passing of this Ordinance, be delivered over and deposited for safe custody in the said Court of Judge of Police and Resident Magistrate; and all Parties concerned shall and may have recourse to the said Records or Proceedings, as to any other Records or Proceedings of the said Court re-

spectively; and all Judgments and Sentences of the said late No. 44. Court of Landdrost and Heemraden, and Court of Petty Law 1828. Cases, shall and may be proceeded upon in the said Court of Judge of Police and Resident Magistrate, as if the Complaint or Action in respect whereof the same was given or pronounced had been originally commenced, and the said Judgment or Sentence given or pronounced in the said Court of Judge of Police and Resident Magistrate.

15. And be it further enacted, That all Summonses, Sentences, Decrees, Judgments, Notices, Rules, Orders, Warrants, Commands, and all the Proceedings in the said Court of Judge of Police and Resident Magistrate shall be, and be carried on, in the English Language.

16. And be it further enacted, That the Ordinance No. 18, bearing date the 29th day of May 1826, and the Ordinance No. 36, bearing date the 5th day of January 1828, shall be, and the same are, hereby repealed.

17. And whereas it is expedient, That Goods taken in Execution, and to be sold by virtue of any Process of the said Court—or of the Court of the Resident Magistrate in any District of this Colony, should be sold by the Messenger of the said Court or their Deputies alone, without an Auctioneer licensed for that purpose:—Be it therefore enacted, that from and after the passing of this Ordinance, it shall and may be lawful for the Messengers of the said Courts, and their Deputies respectively, without any Licence for that purpose, and they are hereby authorised, to sell by Public Auction, all such Goods as shall or may be taken by virtue of any Process of the said Courts to them directed respectively, and to be sold in Execution thereof—any Law or Ordinance to the contrary notwithstanding.

Schedule.

Form of the Oath of Allegiance.

I, A. B., do sincerely promise and swear, that I will be faithful, and bear true Allegiance to His Majesty King George, So help me God!

Form of the Oath of Office.

I, A. B., do promise and swear, that I will faithfully and diligently execute, to the utmost of my Abilities, the several Duties of the Office of Judge of Police and Resident Magistrate which has been conferred on me. So help me God!

God Save the King!

Given at the Cape of Good Hope, 19th March 1828.

By Command of His Honor the Lieutenant Governor,
(Signed) John Bell, Acting Sec. to Govt.

By Order of the Council,
(Signed) Thomas Miller, Acting Clerk of the Council.

No. 45.—Signed, Rich. Bourke.

Ordinance for abolishing the Rewards heretofore payable for the Destruction of noxious Animals. (1)

WHEREAS it is deemed unnecessary any longer to continue the Rewards heretofore payable from the several District Treasuries for the Destruction of noxious Animals: Be it therefore enacted, by His Honor the Lieutenant-Governor in Council, that from and after the passing of this Ordinance, the payment of all Rewards heretofore granted and made payable by any Law or Ordinance for the Destruction of noxious Animals, of any kind or description, shall cease and determine. (2)

God save the King!

Given at the Cape of Good Hope, 31st March 1828.

By Command of His Honor the Lieutenant-Governor,

(Signed) John Bell, Acting Sec. to Govt.

By Order of the Council,

(Signed) Thomas Miller, Acting Clerk of the Council.

No. 46.—Signed, Rich. Bourke.

Ordinance for the provisional Regulation of Bankrupt and Insolvent Estates. (3)

WHEREAS it is expedient, that until some further provision be made for regulating and administering Bankrupt and Insolvent Estates, some means should be devised and appointed for the due preservation of the said Estates, for the benefit generally of all Parties interested therein: Be it therefore enacted, By His Honor the Lieutenant-Governor in Council, that from and after the passing of this Ordinance, it shall and may be lawful for any Person who is unable to satisfy his Creditors, to make affidavit before the Chief Justice, or any of the Judges of the

(1) Allowed by the Home Government.

(2) *Vide* Proclamation 21st March 1822, p. 230, and Ordinance No. 3, 1825, p. 276.

(3) Continued by Ordinance No. 53, but wholly repealed by Ordinance No. 64, § 98

Supreme Court, that he is insolvent, and unable to satisfy his just Debts;—and thereupon it shall be lawful for the Chief Justice, or any Judge of the Supreme Court, to direct such Person to be brought before him, and to examine the said Person touching the same, and require such proof thereof as to the said Judge may seem fit, and if the said Judge shall see cause, to place the Estate of every such Person being insolvent, under Sequestration, in the hands of the Master of the Supreme Court, until four-fifths of the Creditors in number and value shall concur in choosing a Trustee or Trustees for the Administration of the Estate, when the said Master shall assign and deliver over the said Estate to the said Trustee or Trustees, to be by him or them administered according to the Law and the Usage of the Colony, and subject always to such Orders and Directions as shall, in accordance with the aforesaid Law and Usage be given from time to time by the said Supreme Court or any of the Judges thereof, on the application of any Person having any legal interest in such Estate, or in the Due Administration thereof.

2. And be it further enacted, That it shall and may be lawful for any Executor or Executors, Administrator or Administrators, or other Person or Persons legally vested with the Administration of Estates of Persons deceased, and which now are, or may hereafter become, insolvent, to make such Affidavit as aforesaid; and it shall and may be lawful for the said Chief Justice, or any Judge of the said Supreme Court, upon such Affidavit and Examination, and proof as aforesaid, to sequester the Estate so proved to be insolvent, in like manner as aforesaid.

3. And be it further enacted, That it shall and may be lawful for any Person to whom the Sum of One Hundred Pounds Sterling is justly due from any Debtor, to make Affidavit of such Debt, before the Chief Justice, or one of the Judges of the said Supreme Court, and upon such Affidavit and production of at least two Returns made by the Sheriff to the effect, that sufficient Goods of the said Debtor have not been found to satisfy the Sentences upon which such Returns shall have been made, and that the Debts on such Sentences still remain unsatisfied; it shall be lawful for the Chief Justice, or one of the Judges of the said Supreme Court, to direct such Debtor to be brought before him, and to examine the said Debtor touching the same, and to require such proof thereof as to the said Judge may seem fit, and, if the said Judge shall see cause, in like manner to place the Estate of every such Debtor under

No. 46. Sequestration, in the hands of the Master of the said Supreme 1828. Court.

4. And be it further enacted, That the said Master shall, within seven days after any Estate is placed under Sequestration in his hands, appoint and make due publication of such Time and Place for the Creditors upon such Estate to meet, in order to elect such Trustee or Trustees as under the circumstances he shall consider most convenient for all the Parties concerned ;— and in all cases where such Meeting shall be appointed to be holden in Cape Town, the same shall take place under the direction of the Master, and in any other District of the Colony, under the direction of the Resident Magistrate of such District, who shall respectively take the Votes of the Creditors, and declare the Party or Parties so elected Trustee or Trustees of the said Estate, and to whom the said Master shall thereupon assign over the said Estate.

5. And be it further enacted, That any Creditor may attend and vote at such Meetings, for the purpose aforesaid, personally or by Agent authorised by any writing under the hand of the said Creditor.

6. And be it further enacted, That every Creditor before being allowed to vote, shall give proof by Affidavit or otherwise of the Debt on which he claims to vote, to the satisfaction of the Master or the Resident Magistrate, as the case may be.

7. And be it further enacted, That it shall be competent to any Person interested in any such insolvent Estate, or the due Administration thereof, and who shall complain of any such Election, to bring the Proceedings of, and at, such Election under the review of the said Supreme Court in Term time, or in Vacation before any of the Judges of the Court at Chambers.

8. And be it further enacted, That this Ordinance, unless sooner repealed, shall be in force until the 30th day of November next, and no longer.

God save the King !

Given at the Cape of Good Hope, 26th May 1828.

By Command of His Honor the Lieutenant Governor,

(Signed) John Bell, Acting Secretary to Govt.

By Order of the Council,

(Signed) Thomas Miller, Acting Clerk of the Council.

No. 47.—Signed, Rich. Bourke.

Ordinance for Regulating the Importation and Exportation of Grain and Flour in this Colony. (1)

WHEREAS it is deemed expedient, to remove all obstacles to the Import and Export of Grain and Flour, into, and from, the several Ports of this Colony: Be it therefore enacted, by His Honor the Lieutenant Governor in Council, that from and after the passing of this Ordinance, the Proclamation of the 8th February 1822, and the Government Advertisement of the 20th March 1818, shall be repealed, and the same are hereby repealed accordingly.

2. And be it further enacted, That from and after the time aforesaid, it shall and may be lawful for any Person to Export all kinds of Grain, Pulse, and Flour from any of the Ports of this Colony, free of all Custom Duties and Charges, (Permits and Wharfage excepted), and without any special Licence or Authority to that effect.

3. And be it further enacted, That from and after the time aforesaid, a Duty of Sixpence per Muid of 180 Dutch Pounds, shall be charged upon all Grain, (excepting Rice, which shall remain at the present Duty of 10 per Cent, *ad valorem*,) and One Shilling and Sixpence per Barrel of 182 Dutch Pounds, on all Flour lawfully Imported into any of the Ports of this Colony.

God save the King !

Given at the Cape of Good Hope, 7th June 1828.

By Command of His Honor the Lieutenant-Governor,

(Signed)

John Bell, Acting Sec to Govt.

By Order of the Council,

(Signed)

Thomas Miller, Acting Clerk of the Council.

No. 48.—Signed, Rich. Bourke.

Ordinance for establishing an Executive Police in Cape Town and the District thereof, and for consolidating and amending the Laws and Regulations relating thereto. (2)

WHEREAS it is expedient and necessary to make further provision as well for the maintenance of the Public Peace

(1) Repealed by Order in Council, of 22d February 1832.

(2) Allowed by the Home Government.

No. 48. and good Order, as for the prosecution of certain Crimes
 1828. and Offences, committed within Cape Town and the District thereof, and the Port of Table Bay, within the same :
 Be it therefore enacted, by His Honor the Lieutenant-Governor in Council, that from and after the commencement of this Ordinance, it shall and may be lawful for the Governor of this Colony, for the time being, from time to time, as occasion may require, to nominate and appoint some fit and proper Person, to be Superintendent of Police for the said Town, District, and Port, and also some other fit and proper Person to assist the said Superintendent of Police for the said Town, District, and Port, who shall act and be under the control and order of the said Superintendent of Police ; and the said Superintendent and Deputy Superintendent shall, before entering upon the Duties of their respective Offices, take the Oath of Allegiance and the Oath of Office following, that is to say :—

I, do solemnly swear, that I will truly and faithfully, to the best of my skill and ability, perform the Duties and Office of Superintendent (or Deputy Superintendent) of Police, without fear, favor, or affection. So help me God !

2. And be it further enacted, That it shall and may be lawful for the said Governor to authorise the said Superintendent to nominate and appoint so many Persons, as the said Governor shall think fit, to act as Police Officers and Constables, under the control and order of the said Superintendent and Deputy Superintendent, with full power to the said Superintendent to suspend and remove all or any of the said Officers or Constables, and to appoint other Persons in their room, at all times as he shall see occasion ; and the said Officers or Constables shall, before entering upon the exercise of their Duties, take the Oath of Allegiance and the Oath of Office following, that is to say :—

I, do solemnly swear, that I will truly and faithfully, to the best of my abilities. perform the Office and Duties of Constable of Police. So help me God !

3. And be it further enacted, That the said Superintendent of Police shall, as much as in him lies, suppress all Tumults, Riots, Affrays, or Breaches of the Peace, all Public Nuisances, Vagrancies, and Offences against the Law, in all Places within the said Town, District, and Port, and shall enforce and maintain all such Regulations as now are, or hereinafter shall be in force, respecting the Police of the said Town, District, and Port.

4. And be it further enacted, That in all cases of Fire, Shipwreck, or other Calamity occurring within the said Town, District, and Port, the Said Superintendent of Police shall repair,

with proper Assistance, to the Place where the same has occur- No. 48.
red, for the protection of such Persons and Property, as may be. 1828.
endangered thereby.

5. And be it further enacted, That the said Superintendant of Police shall put in force all Laws and Regulations, which are now, or hereafter may be, made, regarding all Strangers and Vagrants, who shall come within the said Town and District ;⁽¹⁾ and he shall cause all Persons charged with any Crime or Offence, to be apprehended and dealt with according to Law. And the said Superintendant of Police shall inquire into and investigate all Complaints and Informations of any Crime or Offence against the Laws, which shall come to his knowledge, or may be brought before him, and duly prosecute the same, if sufficient cause appear, before such Court as has or may have jurisdiction therein. ⁽²⁾

6. And be it further enacted, That the Superintendant of Police shall have jurisdiction and authority over all Persons within the said Town or District Sentenced by any competent Court in the Colony to any kind of labour, touching the appointment and performance of the labour of such Persons, and for that purpose shall and may, from time to time, make, constitute, and enforce all necessary Rules and Orders concerning the same.

7. And be it further enacted, That the said Superintendant of Police shall be the Visitor and Inspector of the Common Gaol and House of Correction in Cape Town, and shall have full power and authority to maintain and enforce all such Rules and Regulations, as have from time to time been duly made and promulgated for the internal management and economy of the said Gaol and House of Correction respectively, and of the Treadmill attached thereto, and all such Rules, Orders, and Regulations, from time to time to revoke, add to, alter, amend, or renew, as occasion may require. Provided always, that the same be not contrary to Law, and have been first approved of by the Governor of this Colony for the time being ; and the said Superintendant of Police, shall summarily inquire into and investigate all Complaints and Abuses in the said Gaol and House of Correction respectively, and shall take such proceedings thereon as the Law shall direct, or the case otherwise require.

8. And be it further enacted, That it shall be lawful for the Superintendant of Police, from time to time, to appoint some fit and proper Person, to be the Town Assizer, who shall, under the direction of the Superintendant of Police, in the months of January and February, assize and mark all Weights and Measures in the said Town and District, kept for purposes of Trade

(1) *Vide supra* pages 11, 39 and 41.

(2) *Vide Ordinance No. 73, § 5, infra vol. 2d.*

No. 48. or Dealing; and the Superintendant of Police shall hold a
 1828. Court yearly at the Town House of the said Town, in the months of January and February, at such times as he shall appoint, for the assizing all Weights and Measures kept or used as aforesaid; and he shall cause due notice to be given by Advertisements in the Government Gazette, for all Persons using Weights and Measures for the Purpose of Dealing, to attend the said Court, in such order as he shall think fit; and any Person who shall after such notice has been given, and after his Weights and Measures might have been assized accordingly, use in his Trade or Dealing, or have in his House, any Weights or Measures which have not been assized, shall forfeit a Sum not exceeding Five Pounds, nor less than One Pound Sterling.

9. And be it further enacted, That there shall be paid to the Superintendant of Police, for every Weight or Measure assized and marked, the Sum of Threepence, besides the Costs of Repair thereof, if such shall be necessary.

10. And be it further enacted, That it shall be lawful for any Person, desiring to have any Weight or Measure assized at any time of the year, to apply to the Superintendant of Police for that purpose, who shall thereupon cause the same to be done, upon payment of the aforesaid Fee and Costs of Repair.

11. And be it further enacted, That the Assizer shall in his assizing conform to the Standards of Weights and Measures which now are, or hereafter shall be legally established.

12. And be it further enacted, That it shall be lawful for the Superintendant of Police, at any time in the day, to visit any Shop, Store, or other Place of Trade or Dealing, by himself or his said Deputy, and to require that the Weights and Measures used there shall be produced and shown to him, and all such as he shall find not duly assized or deficient in Weight or Measure, he shall take away and destroy; and any Owner or Proprietor of such Shop, Store, or other Place, or any other Person in his or her employment therein, refusing to produce such Weights and Measures, when thereunto required as aforesaid, or in any way obstructing the said Superintendant or his Deputy in the execution of their Duty, shall forfeit a sum not exceeding Ten Pounds, nor less than Five Pounds Sterling.

13. And be it further enacted, That any Person making use of, or having in his House or Shop, for the purposes of Trade or Dealing, any short or deficient Weight or Measure, shall upon the first conviction of such offence forfeit the Sum of Ten Pounds, and for every subsequent conviction the Sum of Twenty Pounds Sterling.

14. And be it further enacted, That the said Superintendant of Police shall, as far as in him lies, cause the Lord's Day⁽¹⁾ to be

(1) *Vide Ordinance No. 1—1838, infra vol. 2d.*

duly observed by all Persons in the said Town and District, and No. 48. shall not permit or suffer any House, Shop, Store, or other Place 1828. to be open on that Day, for the purpose of Trade or Dealing,—the Shops or Houses of Apothecaries, Butchers, Bakers, and Victuallers only excepted: and any Person who shall Trade or Deal, or keep open any Shop, Store, or other Place, (except as aforesaid,) for the purpose of Trade or Dealing on the Lord's Day, shall forfeit a Sum not exceeding Three Pounds, nor less than One Pound Sterling.

15. And be it further enacted, That the Owner or Occupier of any Public Billiard Room, or other Public Place of Amusement, who shall permit or suffer any one to play in his House or Premises at any Game on Sunday, shall forfeit a Sum not exceeding Five Pounds, nor less than Three Pounds Sterling; and it shall be lawful for the Superintendant of Police, to disperse all Persons gathering together on Sunday, in any Public or Open Place, for the purpose of gambling or playing any Game, and to take and seize any Implements, Instruments, or Animals used therein, and to destroy or carry away the same; and all Persons actually gambling or playing as aforesaid, he shall arrest and prosecute according to Law. ⁽¹⁾

16. And be it further enacted, That any Person who shall sell, or expose to sale, Fish elsewhere than in the Market, or Fruit or Vegetables elsewhere than in the Places hereafter to be appointed for that purpose by the Superintendant of Police, after Nine o'Clock in the Morning of Sunday, shall forfeit a Sum not exceeding Two Pounds, nor less than Ten Shillings Sterling. ⁽²⁾

17. And be it further enacted, That for the preserving of health and cleanliness of the said Town, it shall and may be lawful for the said Superintendant of Police and his Deputy, from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the Butchers' Shambles and Slaughterhouses in the said Town, and from time to time, to make and constitute such general Rules and Regulations, to be first approved of by the Governor of the Colony, for the time being, or to give such particular directions in conformity therewith, in any case touching and concerning the slaughtering of Cattle therein, disposing of the Refuse and cleansing the said Shambles and Slaughterhouses, both within and without, as to him shall seem needful: and any Butcher who shall refuse or neglect to comply within a reasonable time with any such Rules, Regulations, or Directions, that may or shall be given as aforesaid, shall forfeit for every such offence or breach thereof, a Sum not exceeding Two Pounds, nor less than Ten Shillings Sterling.

⁽¹⁾ *Vide* Ordinance No. 73, § 5, *infra* vol. 2d.

⁽²⁾ do. No. 1—1838. do.

No. 48. 18. And be it further enacted, That no Cattle or Sheep for 1828. slaughter shall be driven towards the Butchers' Shambles later than Eight o'Clock in the Morning, and all such Cattle shall be driven by the Lower or Summer Road, through the Imhoff Battery, under a Penalty not exceeding Two Pounds, nor less than Ten Shillings Sterling; and no Cattle or Sheep shall be slaughtered by any Butcher, or other Person, for sale, at any Place within the Town, excepting at the Shambles, under a Penalty of Five Pounds Sterling, for every Beast so slaughtered.

19. And be it further enacted, That the Heads of all Families in Cape Town, and the District thereof, shall, within Forty-eight Hours after the Birth of any Child, or within Twenty-four Hours after the Death of any Member or Servant, after previous illness, in their Families, report the same to the Superintendent of Police, under a Penalty Not exceeding One Pound, nor less than Five Shillings Sterling; and in case of any sudden or accidental Death, or the Death of any Stranger within their Houses or on their Premises, they shall report the same immediately to the said Superintendent of Police, under a Penalty not exceeding Ten Pounds, nor less than Five Shillings Sterling; and the said Superintendent of Police shall keep, or cause to be kept, an Annual Registry of all Births and Deaths so to be reported to him as aforesaid, within the said Town and District.

20. And be it further enacted, That every Person desirous of plying for Hire as a Coolie, shall, upon being approved of by the Superintendent of Police, register his Name and Place of Abode at the Police Office, and shall thereupon receive a Badge, which he shall wear firmly sewed to his Coat or Jacket, on the left Breast; and any Person who shall so ply without such Registration, or without a Badge, so sewed as aforesaid, shall forfeit the Sum of Ten Shillings Sterling, for every offence; and for such Registration and Badge each Coolie shall pay the Sum of Two Shillings; and every Coolie, on application at the Police Office, shall receive a Card of the Rate of Hire, signed by the Superintendent of Police, which he shall at all times carry with him, and show, on demand, to any Person employing him; and if he shall refuse so to do, he shall forfeit the sum of Ten Shillings Sterling; and for every such Card required, each Coolie shall pay Sixpence.

21. And be it further enacted, That any Person not being duly registered as aforesaid, who shall wear a Badge, shall forfeit the Sum of One Pound Sterling, for every offence; and any Coolie who shall be duly convicted of lending his Badge to be worn by any other Person, shall forfeit the like Sum of One Pound Sterling, for every offence.

22. And be it further enacted, That the Superintendent of Police shall have the power of depriving of his Badge any

Coolie who shall be found guilty of dishonest or improper No. 48.
conduct, upon complaint laid before the Superintendent. 1828.

23. And be it further enacted, That the Hire of Coolies shall be regulated by the following Table:—

	For a Letter or light Parcel, not exceeding 25 lbs. Dutch.	For a Load.
	£ s. d.	£ s. d.
For any Letter or light Parcel, from any part of the Town to any other part, within the following Limits: From Amsterdam Battery, by the Beach, to the Castle, including the Wharf; from thence, by the New-street, opposite the Roman Catholic Chapel, to Roeland street; along Roeland-street, Stalplein, Grave-street, to Wale-street, Tuin-street, Koning-steeg, up Long-street, Buiten-street, Bree-street, Buitengracht, Dorp-street, Chiappini-street, and by the Hospital, to Amsterdam Battery, all the said Places inclusive,	0 0 2	0 0 4
From any Place within the said Limits, to any Place beyond the same, and <i>vice versa</i> , not exceeding one Mile from the Town House,	0 0 3	0 0 6
Exceeding one Mile, and not exceeding two,	0 0 6	0 1 0
Exceeding two Miles, and not exceeding three	0 0 9	0 1 6
Exceeding three Miles, and not exceeding four,	0 0 11	0 1 10
Exceeding four Miles, and not exceeding five,	0 1 0	0 2 0
Exceeding five Miles, and not exceeding six,	0 1 2	0 2 4
Exceeding six Miles, and not exceeding eight,	0 1 3	0 2 6
For every Hour detained, 2d.		

If engaged by the Time.

For every Hour,	£ 0 0 3
For a Day of 10 Hours,	0 2 8

No single Coolie shall refuse to carry any Burden of the following Weights, nor be compelled to carry more:

From any Place within the said Limits, to any other Place within the same,	75 Pounds, Dutch.
Two Coolies,	200
Four Coolies,	400
From any Place within the said Limits to any Place beyond the same, mentioned in the foregoing Table, and <i>vice versa</i> ,	50 Pounds, Dutch.
Two Coolies,	150
Four Coolies.	300

And any Coolie, plying for Hire, and refusing his Services at the Rates hereinbefore specified, or demanding more than the said Rates, or refusing to carry the Burdens hereinbefore specified, shall forfeit, for every such offence, a Sum not exceeding Two Pounds, nor less than Ten Shillings Sterling.

24. And be it further enacted, That any Person who shall wilfully or negligently allow any Horses, Cattle, Sheep, Goats, Hogs, or Poultry, to stray in any Street or Public Place of Cape Town, shall forfeit a Sum not exceeding One Pound, nor

No. 48. less than Five Shillings Sterling ; and any such Animals, being
 1828. so found straying, shall, and may lawfully, be impounded by any Person finding the same, and shall not in such case be released, until all Pound Dues, Costs, and Charges for keeping the same shall be paid : and any such Animal being impounded, and not claimed within Fourteen Days after Advertisment thereof, together with its Description, in the Government Gazette, shall be sold by Public Auction, to the highest Bidder, and the Money arising therefrom shall go and be applied in the first instance to pay the said Fine, Poundage Dues, and necessary Expenses ; and the remainder, if any, shall be paid into the Hands of the Superintendant of Police, for such Person as shall eventually be proved to be entitled to the same.

25. And be it further enacted, That the Owner or Proprietor of any Cart, Wagon, or Dray, within Cape Town, or the District thereof, shall from and after the First Day of August next, register the same, if not already registered, in the Office of the Superintendant of Police, and shall receive from him a Certificate of such Registry on a Stamp of One Shilling, and shall at the same time receive from the said Superintendant of Police a Number for such Cart, Wagon or Dray, a Duplicate of which Number, with the Name of the Owner or Proprietor thereof, and his or her Place of Residence, shall be painted on the right or off side of such Cart, Wagon, or Dray, or on a Board affixed thereto, in legible Figures and Characters of not less than one inch in length, under a Penalty not exceeding One Pound, nor less than Five Shillings Sterling, for each offence.

26. And be it further enacted, That no Carriage, Wagon, or Cart, shall be left or permitted to remain in any Street, Way, or Avenue in Cape Town, after Dusk in the Evening, except in such Places as shall be hereafter appointed and notified by the Superintendant of Police, upon any pretence whatever : and the Owner or Person in charge thereof, shall forfeit, for every such offence, a Sum not exceeding One Pound, nor less than Five Shillings Sterling.

27. And be it further enacted, That in no case shall any Wagon or other Carriage, for the purpose of unloading or otherwise, be permitted to obstruct the passage of any Street, nor any Two Carriages, Wagons, or Carts, to stand abreast in any Street, Way, or Avenue, except in the Places above referred to ; and the Owner or Person in charge thereof, not removing the same immediately, shall forfeit a Sum not exceeding One Pound, nor less than Five Shillings Sterling ; and it shall be lawful for any Police Officer or Constable, to have the said Carriage, Wagon or Cart removed, or detained for the purpose of being impounded, until the Offender shall have been dealt with according to Law.

28. And be it further enacted, That no Wagon or Cart, No. 48.
drawn by Bullocks, or by more than six Horses or Mules, shall 1828.
be, for any purpose, in any Public Road, Street, Way or
Avenue, of Cape Town, or the District thereof, without a Per-
son at the Head of the said Bullocks, Horses, or Mules, as
Leader, where the same shall be in motion; and every Carriage,
Wagon, or Cart, whether drawn by Bullocks, Horses, or
Mules, shall, when stationary, have a Person to take care of
the same, under a Penalty not exceeding One Pound, nor less
than Five Shillings Sterling, to be paid by the Owner of such
Carriage, Wagon, or Cart.

29. And be it further enacted, That any Person who is about
to build or repair any House or Building, whereby any Street
or Highway may be necessarily encumbered, shall give notice
thereof to the Superintendent of Police, who shall give such
directions relative thereto, as the nature of the case and the
Public convenience shall require; and during the continuance
of any such encumbrance, the Owner of the House or Building
shall keep proper Lights burning thereat during the Night, and
in all things conform to the directions of the said Superintendent
of Police in that respect, under a Penalty not exceeding Ten
Pounds, nor less than One Pound Sterling.

30. And be it further enacted, That any Person who shall
erect any Building soever, within One Mile of the Town House,
and shall cover the same with Thatch or Reeds, shall forfeit the
Sum of Twenty Pounds Sterling; and the Superintendent of
Police shall cause the said Thatch or Reeds to be removed, if
not done by the Owner or Occupier thereof, within fourteen
Days after notice given by the Superintendent or Deputy Super-
intendant of Police.

31. And be it further enacted, That the Superintendent of
Police shall cause Carts, properly fitted for the purpose, to pass
through the Town, within the Limits hereinbefore mentioned in
the Twenty-third Section of this Ordinance, between the hours
of Four and Six in the Morning in Summer, and Five and
Seven in Winter, on certain Days in every Week, to be here-
after notified by the Superintendent, for the purpose of carry-
ing away Dust, Ashes, Soil, and Filth, and of which due notice
will be given by ringing a Bell, or otherwise; and it shall be
lawful for any Person, residing without the said Limits, to
bring his Dust, Ashes, Soil, and Filth, in proper Vessels, to
any such Cart, for the purpose of removal.

32. And be it further enacted, That any Person who shall
cast any Filth, Soil, Earth, or Rubbish into any Street or
Public Place, or Waste Ground, within Cape Town or the
District thereof, excepting on the Beach between Amster-
dam and Chavonne Batteries, without permission of the Super-
intendant of Police, shall be bound to pay the Cost of remov-

No. 48. ing the same, and shall forfeit the Sum of Five Pounds Sterling.
 1828. 33. And be it further enacted, That all private Avenues, Passages, Yards, and Ways shall be kept clean by the Proprietors or Occupiers thereof, so as not to become a public nuisance by offensive smell or otherwise, under a Penalty not exceeding Five Pounds nor less than Ten Shillings, upon complaint and conviction.

34. And be it further enacted, That any Person who shall injure any Public Fountain, Pump, Cock, or Waterpipe, or any part thereof, shall pay the Cost of repairing the same, and, if the same be wilfully done, shall forfeit a Sum not exceeding Twenty Pounds, nor less than One Pound Sterling; and any Person who shall have in his possession any private Key for the purpose of opening any Cock, or who shall in any manner clandestinely appropriate to his use, any Water from the Public Fountains or Pipes, by means of any private Pipe, shall forfeit a Sum not exceeding Twenty Pounds, nor less than Five Pounds Sterling; and any Person who shall open or leave open any Cock of any Public Fountain or Pump, so that the Water shall or may run to waste, shall forfeit a Sum not exceeding Two Pounds, nor less than Five Shillings Sterling; and any Person who shall wash any Clothes at or near any Public Fountain or Pump, shall forfeit a Sum not exceeding One Pound, nor less than Five Shillings Sterling.

35. And be it further enacted, That any Person who shall cast any Filth or Rubbish into any Watercourse, Sewer, or Canal, shall forfeit a Sum not exceeding Five Pounds, nor less than One Pound Sterling.

36. And be it further enacted, That the Superintendant of Police shall have the inspection and management of the Public Fire Engines, and shall cause the same to be kept in good and sufficient repair.

37. And be it further enacted, That there shall be attached to each Engine, a Foreman and a sufficient number of Firemen, whose Names and Places of Abode shall be registered in the Books of, and who shall be paid by, the Superintendant of Police, and who shall give their attendance at all times upon the Alarm of Fire, or when thereunto required by the said Superintendant. The Foreman and Firemen of the Engine, which shall first arrive at any Fire, shall receive a reward not exceeding Ten Pounds, nor less than Two Pounds Sterling, to be paid by the Superintendant of Police.

38. And be it further enacted, That the Occupier of any House in which any Chimney shall take Fire, through his or her neglect, so that Flame or Sparks issue from the top thereof, shall forfeit the Sum of Three Pounds Sterling.

39. And be it further enacted, That any Person who shall damage any Public Building, Wall, Parapet, Sluice, Bridge,

Road, Street, Sewer, Watercourse, or other Public Property, No. 48. shall pay the Cost of repairing the same, and if the same be wilfully done, shall forfeit a Sum not exceeding Twenty Pounds, nor less than Five Pounds Sterling. 1828.

40. And be it further enacted, That any Person who shall discharge any Firearms, without lawful cause, or let off any Fireworks, in any Street, Square, or Lane, within one Mile of the Town House, shall forfeit a Sum not exceeding Five Pounds, nor less than Ten Shillings Sterling.

41. And be it further enacted, That any Person who shall ride or drive through the Streets so negligently, carelessly, or furiously, that the safety of any other Person shall be actually endangered, shall forfeit a Sum not exceeding Ten Pounds, nor less than Two Pounds Sterling. ⁽¹⁾

42. And whereas the Duties of Wardmaster in Cape Town and the District thereof are become heavy and burdensome, by reason of the increase of the Population therein; and it is expedient to relieve the Inhabitants from the pressure of those Duties. Be it therefore enacted, That from and after the commencement of this Ordinance, the Office of Wardmaster in Cape Town and the District thereof shall cease and determine; and the Duties thereof shall, as far as may be required, be discharged by the Superintendant of Police, his Deputy, and Assistants.

43. And be it further enacted, That the Judge of Police and Resident Magistrate shall have and exercise jurisdiction in all cases of offences mentioned in this Ordinance, and shall, upon information or complaint being brought before him, summon the Party complained of, to appear personally before him, at a certain time set forth in this Summons, and shall at such time, whether the Party appear or not, (proof having been made on Oath of such Party having been duly summoned,) proceed to hear and determine the same according to Law. ⁽²⁾

44. Provided always, and be it further enacted, That it shall and may be lawful for any Party, who shall think himself aggrieved by any conviction of the said Judge of Police and Resident Magistrate, pursuant to this Ordinance wherein the Fine imposed shall exceed the Sum of Five Pounds Sterling, to appeal therefrom to the Supreme Court, upon giving notice, at the time of conviction, of such his intention, to the said Judge of Police and Resident Magistrate, and upon giving Security to his satisfaction, for the due prosecution of the said Appeal.

45. And be it further enacted, That the Process for Execution upon any Conviction of the said Judge of Police and Resident Magistrate, under and by virtue of the Provisions of this

⁽¹⁾ *Vide Proc. 23 June 1809, supra page 91, and Ord. No. 79.*

⁽²⁾ *Vide Ordinance No. 4, 1834, infra vol. 2d.*

No. 48. Ordinance, shall be by like Warrant under his Hand, directed to 1828. the Messenger of his Court, as for the Execution of any other Sentence or Judgment of the said Court : Provided always, that if, upon such Conviction of any Person, he shall declare that he does not possess, within Cape Town and the District thereof, sufficient Goods to satisfy the said Conviction, and shall not give Security to the satisfaction of the said Judge of Police and Resident Magistrate, for the Payment, within seven Days, of the Amount thereof; or, if it shall appear upon the Return of the Messenger of the said Court to the said Process, that such Person does not possess sufficient Goods to satisfy the said Conviction, then, and in every such case, it shall and may be lawful for the said Judge of Police and Resident Magistrate, and he is hereby required, by Warrant under his Hand, to commit such Person to the Gaol or House of Correction in Cape Town, for any period not exceeding the times herein specified, unless the said Fine be sooner paid,—that is to say:—

Where the Fine does not exceed £1,	-	-	-	8 Days,
Exceeding £1, and not exceeding £2,	-	-	-	14 —
Exceeding £2, and not exceeding £3,	-	-	-	21 —
Exceeding £3, and not exceeding £5,	-	-	-	28 —
Exceeding £5, and not exceeding £10	not less than	1	Month,	
	nor more than	2	—	
Exceeding £10,	not less than	2	Months.	
	nor more than	6	—	

46. And be it further enacted, That all Fines, recovered under this Ordinance, shall be paid, one half into the Colonial Treasury, and the other half to the Informer.

47. And be it further enacted, That from and after the commencement of this Ordinance, all former Laws, Rules, Orders, and Regulations, touching the matters in this Ordinance contained, or any of them, or relating to any matter of Police, within the said Town and District thereof, shall cease and be of no effect, and be repealed, and the same are, from the time aforesaid, hereby repealed accordingly: Provided always, that nothing herein contained, shall extend to repeal the Ordinance No, 29, of the 27th Day of November, 1827, intituled—“ An Ordinance for making Regulations for the Conduct and Proceedings of the Masters and Crews of Merchant Vessels arriving in the Ports of this Colony,” nor any clause, matter, or thing therein contained.

48. And be it further enacted, That this Ordinance shall take effect, and be in force from and after the First Day of August 1828.

God save the King !

Given at the Cape of Good Hope, 3d July, 1828.

By Command of His Honor the Lieutenant-Governor,

(Signed) John Bell, Acting Sec. to Govt.

By Order of the Council,

(Signed) T. Miller, Acting Clerk of the Council.

No. 49.—Signed, Rich. Bourke.

Ordinance for the Admission into the Colony, under certain Restrictions, of Persons belonging to the Tribes beyond the Frontier thereof, and for regulating the Manner of their Employment, as free Labourers, in the Service of the Colonists ⁽¹⁾

WHEREAS it is desirable to offer every encouragement to the profitable cultivation and closer occupancy of the Lands of this extensive Colony, and for this purpose to augment the amount of disposable labour, by affording the greatest facility compatible with the public safety, to the admission of Foreigners from the Tribes beyond the Borders of the Settlement, who may be desirous of migrating to, and sojourning in, the Colony, and of entering into the service of the Colonists as Herdsmen, Field Labourers, House Servants, or in whatever capacity may be most suitable to their several inclinations and abilities: And whereas certain Proclamations and Ordinances, enacted and promulgated in times past, prohibit the admission or employment of certain of these Foreigners, under severe Penalties: Be it therefore enacted, that from and after the passing of this Ordinance, the Proclamation of the 27th June, 1797,—such part of the Proclamation of the 14th May, 1812, as prohibits all intercourse with the Caffre People,—the Proclamation of the 8th August, 1817, and that of the 28th January, 1820, shall be, and the same are hereby, repealed and declared void and of no effect, save and except so far as the said Proclamations and Ordinances, or any of them, repeal any former Proclamations or Ordinances, or any clause, matter or thing therein contained.

2. And be it further enacted, That from and after the passing of this Ordinance, it shall and may be lawful for the Governor of this Colony, for the time being, to authorise and direct the admission into the Colony of any Caffres, Gonaquas, Tambookies, Griquas, Bosjesmen, Bechuanas, Mantatees, Namaquas, or other Natives of the Interior of Africa, who may be desirous of engaging in the service of the Colonists, and to make and publish such Rules and Regulations for, and impose such Restrictions upon, the admission and engagements of such Foreigners as to him may seem fit, with reference to the state

(1) Allowed by the Home Government.

No. 49. and condition of each particular Tribe, and the Districts where-
 1828. in the Individuals are to be employed: Provided always, that such Regulations and Restrictions shall not contain any thing repugnant to the Provisions of this Ordinance, and that each and every such Foreigner shall immediately, on receiving permission to enter the Colony, be supplied by any Justice of the Peace or Field-Cornet of the District in which such Person may first enter, with a written Pass, which shall set forth the Name, Sex, Age, Tribe, Height, Colour, Features, and distinguishing Marks of each Person, the delivery of which shall be duly recorded in a Book to be kept for this purpose, and the counterpart of such Pass shall be forwarded to the Clerk of the Peace of the District, by the first opportunity: And provided further, and it is hereby enacted, that twice in each year, viz: upon the 1st January and the 1st July, the Clerks of the Peace of the several Districts shall furnish to the Secretary to Government a List of all Passes granted by any of the Justices of the Peace or Field-Cornets in their respective Districts, during the preceding six months, under the authority of the Governor for the time being, as aforesaid, which List shall set forth the Name, Sex, Age, and Tribe of every Foreigner to whom such Passes may have been granted; and the Lists so prepared shall immediately, after the receipt of the same at the Office of the Secretary to Government, be laid by him before His Majesty's Council, for their information.

3. And be it further enacted, That any Person who shall fraudulently transfer or procure, or cause to be transferred, from any Foreigner to another, the Pass herein directed to be given to every Foreigner on his or her admission into the Colony, as aforesaid, or shall wilfully deprive any such Foreigner of his or her Pass, or shall unlawfully obstruct or impede any such Foreigner in his or her progress to obtain a Pass, or shall forcibly detain any such Foreigner in his or her service, such Person shall, upon conviction thereof, be subject to a Penalty not exceeding Ten Pounds; or in default of payment thereof, to imprisonment for any period not exceeding six months.

4. And be it further enacted, That it shall and may be lawful for any Inhabitant of this Colony to receive into his service, subject to the Provisions of this Ordinance, any Caffre, Gonaqua, Tambookie, Griqua, Bosjesman, Bechuana, Mantatee, Namaqua, or other Foreigners as aforesaid, who shall produce and have in his possession, the written Pass required by this Ordinance; and any Inhabitant of this Colony who shall admit into his or her service any such Foreigner as aforesaid, who shall not at the time of his or her engagement produce a written Pass as aforesaid, shall be subject to a Penalty of Five Pounds for every such Foreigner so received into his or her service; and in default

of payment thereof, to imprisonment for three months : Provided always, that nothing herein contained shall extend to prohibit any Inhabitant of this Colony from receiving into his or her house or premises any Foreigner or Foreigners as aforesaid, who shall come to him or her in distress, and disabled by hunger, sickness, wounds, or other bodily injury, from proceeding directly to a Justice of the Peace or Field-Cornet to obtain a Pass : And it is further enacted, that in all such cases, notice shall be given to a Justice of the Peace or Field-Cornet of the number and description of the distressed Foreigners so received, within one month after their arrival, under a Penalty of Forty Shillings : And it is further enacted, that any relief so granted shall not in any manner constitute a claim upon the personal services of any Foreigner so relieved or maintained.

5. And be it further enacted, that it shall and may be lawful for any Inhabitant of this Colony, to hire, or engage by any parole or written Agreement, except as hereinafter provided, any Caffre, Gonaqua, Tambookie, Griqua, Bosjesman, Bechuana, Mantatee, Namaqua or other Foreigner as aforesaid, duly provided with a Pass as aforesaid, for any period exceeding one Calendar month, such engagement being renewable from month to month, at the option of the contracting Parties ; and any such parole or written engagement, for any longer period, shall be and hereby is declared to be absolutely null and void, and of no effect : Provided always, and it is hereby enacted, that in case any Inhabitant of this Colony, and any Foreigner as aforesaid, shall be mutually desirous of entering into a written Contract for a longer period than one month, that and in such case the Parties shall, together, appear before the Clerk of the Peace or any Justice of the Peace of the District in which such Inhabitant shall reside, or before such other Person residing therein as shall be specially appointed by the Clerk of the Peace of his District, with the approbation of the Governor for the time being to countersign Contracts for Service ; or if in Cape Town and the District thereof, before the Superintendant of Police ; and shall in the presence of the Superintendant of Police, Clerk of the Peace, or Justice of the Peace, or in presence of such other Person specially appointed as aforesaid, enter into a Contract for Service, on such terms as the respective Parties shall be willing to subscribe to : Provided always, that the period of such Contract shall not exceed twelve Calendar months, and that it shall contain a Clause or Clauses, whereby the Inhabitant shall be bound (amongst other things) to provide the Foreigner, as aforesaid, and such of his or her Family as may be present with him or her, sufficient Food and decent Clothing during the continuance of such Contract : And be it further enacted, that no Liquor or Tobacco shall be admitted as payment of Money due

No. 49. for Wages, or in any manner be charged in account against any
 1828. such Foreigner, and that the Goods or Cattle belonging to such Foreigner shall not, under any pretence whatsoever, be detained at the expiration of any such Contract: Provided further, that nothing herein contained shall prevent the renewal of any such Contract at the expiration thereof, subject to the conditions and provisos herein enacted.

6. And be it further enacted, That every such Contract shall be made and executed in three parts, and countersigned by the Superintendent of Police, Clerk of the Peace, Justice of the Peace, or other Person specially appointed as aforesaid as the case may be, one of which parts shall be given to each of the contracting Parties; and in all cases where such Contract shall be executed before the Superintendent of Police or Clerk of the Peace as aforesaid, the third part thereof shall be filed and registered in his Office; and in all cases where the same shall be executed before the Justice of the Peace or other Person specially appointed as aforesaid, an entry thereof shall be made in a Book to be kept by him for the purpose, and the third part of such Contract forwarded by him to the Clerk of the Peace, to be filed and registered in his Office as aforesaid; and, upon the execution of such Contract, the Pass of the Foreigner contracting shall be given up by him into the custody of the Person before whom the Contract shall be made, to be by him kept until the expiration of such Contract, and then restored to the Foreigner on demand: And be it further enacted, that Copies of such Registry, for the preceding six months, shall be sent by the Superintendent of Police and the Clerks of the Peace to the Secretary to Government, on the 1st of January and 1st of July, in every year, to be laid before His Majesty's Council, as hereinbefore provided.

7. And be it hereby further enacted, That by the execution of the Contract as aforesaid, no other Person or Persons shall be bound, in any manner whatsoever, save and except the Person or Persons who shall execute and be Parties to such Contract, and such Children, being, if Males, below the age of eighteen, and if Females, below the age of sixteen years, as the Parents, or reputed Parents, being themselves contracting Parties, shall cause to be inserted in such Contract, whose Sex, Names, Ages, and Descriptions, shall be clearly set forth and specified therein: Provided always, that nothing therein contained shall give to any Inhabitant of the Colony any claim on the services of the Children of any such Foreigner as aforesaid, beyond the period for which the Parents shall be engaged, whether under colour of having been fed or clothed by him or her, or of having been born whilst the Parent or Parents of such Child or Children were in his or her service, or under any other

pretence whatsoever ; and any Person who shall be duly convicted of having detained any Child in his or her service, contrary to the Provisions of this Ordinance, shall forfeit and pay at the rate of Twenty Shillings Sterling, for each Calendar month, that each and every such Child shall have been thus unlawfully detained ; And be it further enacted, that every such Child shall, upon conviction of the detaining Party, be forthwith removed from the custody of the same, and restored to his or her Parents, when the same can be found, or otherwise be provided for, as in the case of Orphans or deserted Children is hereinafter mentioned.

8. And be it further enacted, That if any Caffre, Gonaqua, Tambookie, Griqua, Bosjesman, Bechuana, Mantatee, Namaqua, or other Foreigner as aforesaid, shall abandon or desert, or by death shall leave in a state of orphancy and destitution within the Colony, any Child or Children of too tender an age to earn a livelihood by labour, that then and in such case the Person or Persons to whom the charge of such Child or Children shall devolve, or to whom the knowledge of such cases of desertion or orphancy shall come, shall immediately give notice thereof to the Superintendent of Police or nearest Field-Cornet of the District, in order that measures may be taken for providing for the maintenance of such Child or Children, by apprenticeship until the age of eighteen years, if Males, and sixteen years for Females, or for such other shorter period, or by such other means, as the Superintendent of Police or Clerk of the Peace of the District, by virtue of the Regulations of the Governor for the time being, may be authorised to adopt : Provided always, that if at any time, within two years from the date of such Indenture of Apprenticeship, the Parent or Parents of any Child so left destitute, or supposed to be an Orphan, shall appear before the Superintendent of Police or Clerk of the Peace, by whom such Indenture shall have been made, and shall prove his or her relationship to such Child, that then and in such case it shall and may be lawful for the Superintendent of Police or Clerk of the Peace as aforesaid, and he is hereby required, to restore, or cause to be restored, such Child to his or her Parent or Parents, any thing in the said Indenture to the contrary notwithstanding : And if any Person shall be duly convicted of having in his or her house or possession, any orphan or destitute Child, for a longer period than one Calendar month, without having given notice thereof to the Superintendent of Police or nearest Field-Cornet as aforesaid, every such Person shall forfeit and pay at the rate of Twenty Shillings for each Calendar month that each and every such Child shall have been in his or her possession.

9. And be it further enacted, That if any Caffre, Gonaqua, Tambookie, Griqua, Bosjesman, Bechuana, Mantatee, Nama-

No. 49. qua, or other Foreigner as aforesaid, shall, after residence in 1828. the Colony under the Provisions of this Ordinance, be desirous to depart from the same, and under such or any other circumstances to leave his or her Child or Children with any Inhabitant of the Colony, who may be willing to maintain the same, that then and in such case it shall and may be lawful for such Inhabitant and such Foreigner, to appear before the Clerk of the Peace of the District in which such Inhabitant resides, or before such other Person residing therein as shall be specially appointed by him, with the approbation of the Governor for the time being, or if in Cape Town before the Superintendant of Police, and make a deposition to this effect, whereby the Inhabitant as aforesaid shall be bound to maintain such Child or Children, until claimed by their Parent or Parents, or until such Child shall be of an age to maintain him or her self; and all such depositions shall be duly registered by the Superintendant of Police or Clerk of the Peace, as in the case of Contracts is hereinbefore directed.

10. And be it further enacted, That it shall and may be lawful for the Judges of Circuit, and they are hereby required at each District Town, to call for and examine the Book or Books in which the Entries and Registry of the Passes, Contracts, and Depositions, required by this Ordinance shall be kept, and to report the state and condition of the same, together with such observations thereon as to them may seem meet, to the Governor for the time being.

11. And be it further enacted, That every Caffre, Gonaqua, Tambookie, Griqua, Bosjesman, Bechuana, Mantatee, Namaqua, or other Foreigner from the Interior of Africa as aforesaid, who shall be admitted into the Colony for the purpose of entering into the service of the Colonists, and shall receive a Pass, as hereinbefore directed, or who shall have been admitted into, or settled therein, previously to the passing of this Ordinance, shall, and his or her Child or Children shall, during the period of his, her, or their sojournment within the Colony, be held amenable to the Laws thereof, and liable to such Pains and Penalties for the breach of his or her Contract of Service, or any other offence, as by the Laws now in force in the Colony, or hereafter to be enacted, shall be awarded.

12. And be it further enacted, That if any Caffre, Gonaqua, Tambookie, Griqua, Bosjesman, Bechuana, Mantatee, Namaqua, or other Foreigner as aforesaid, shall be found without a Pass, or if under Contract, without a written Authority from his or her Employer, on being required by any Justice of the Peace, Field-Cornet, Constable, or Landholder, to shew the same; or after receiving a Pass for the purpose of procuring employment in the Colony, shall be discovered wandering without

any certain occupation or honest means of livelihood, having No. 49.
received his or her Pass as aforesaid, or having been absent 1828.
from his or her last employer for a longer period than fourteen
days,—then, in any and in each of such cases, it shall and may
be lawful for the Justice of the Peace, Field-Cornet, Constable,
or Landholder, immediately to apprehend and convey such
Person to the Resident Magistrate of the District, who shall
inquire summarily into the case; and if such Foreigner be under
Contract of Service, shall forthwith direct him or her to be
returned to the service of his or her Employer, or shall place
such person with his or her consent, in the employment of
some creditable Inhabitant, under Contract of Service, for
twelve Calendar months, in the manner hereinbefore cited, or
shall otherwise cause him or her to be removed beyond the
Limits of the Colony, resuming any Pass that may be found in
his or her possession, and notifying, or causing to be noted,
such removal in the Registry of the District wherein the Pass
was originally granted; and if any Foreigner, so removed
beyond the Limits of the Colony, shall return again and be
found wandering within the same, such Person shall, on con-
viction thereof, be sentenced to imprisonment, with hard labour,
for any period not exceeding twelve Calendar months.

13. And whereas certain Mantatees, Bosjesmen, and other
Foreigners from the Interior of Africa, have at different times
been apprenticed in this Colony under the authority of Govern-
ment; Be it therefore enacted, that all such Indentures shall
continue in force until the full completion thereof, any thing in
this Ordinance to the contrary notwithstanding; and that from
and after the expiration of such Contracts, all the Persons so
contracted, and their Children, shall be furnished with the Pass
required under this Ordinance, and shall thenceforward become
subject to the Provisions hereof: And be it further enacted,
that whenever any such Apprentice shall be removed from his
or her Master by order of a Magistrate, or by sentence of a
competent Court, on account of ill treatment or other sufficient
cause, such Person, if a Male of about eighteen, or a Female
of about sixteen years, shall not be transferred by Indenture to
the service of another Employer; but shall be provided with the
Pass required by this Ordinance, and shall thenceforward be-
come subject to the provisions thereof.

14. And whereas by the Proclamation of the 8th day of
August 1817, herein repealed, provision was made for the Ap-
prenticeship of the Children of Bosjesmen, who shall have been
left by their Parents, with such Farmers, as from compassion, were
willing to maintain them until reclaimed by their Parents: Be it
therefore enacted, that from and after the passing of this Ordi-
nance, any Inhabitant of this Colony who shall receive a Child

No. 49. or Children of a Bosjesman, under the afore-recited or any 1828. other circumstances, shall forthwith report the same to a Field-Cornet of the District wherein such Inhabitant resides, in order that such Child or Children may be indentured to him or her, upon the same terms and conditions, and for the same period of time, as is hereinbefore provided in the case of Orphans or deserted Children: and any Person who shall neglect to give such notice within one month after receiving such Child or Children, shall, on conviction thereof, be subject to a Penalty of Twenty Shillings for each Calendar month, that each and every such Child shall have been in his or her possession.

15. And be it further enacted, That it shall and may be lawful for any Caffre, Gonaqua, Tambookie, Griqua, Bosjesman, Bechuana, Mantatee, Namaqua, or other Foreigner as aforesaid, duly provided with a Pass, under the Provisions of this Ordinance, to repair to and reside at any of the Missionary Stations within the Colony, by permission of the Resident Missionary thereof.

16. And be it further enacted, That if any Person shall wilfully and fraudulently detain as a Slave any such Foreigner as aforesaid, of whatever sex or age, or dispose of the same as a Slave, by Sale or otherwise, or cause any such Foreigner to be registered as a Slave, such Person shall, upon conviction thereof, be sentenced to transportation for seven years.

17. And be it further enacted, That all offences against this Ordinance, subject to no higher punishment than fine or imprisonment, with or without hard labour, shall be cognizable by the Court of the Resident Magistrate of the District or Place in which such offences shall be committed; and that all Fines levied by reason thereof shall be given, one half to the Informer, and one half to the Colonial Treasury.

God save the King.

Given at the Cape of Good Hope, 14th July 1828.

By Command of His Honor the Lieutenant-Governor,

(Signed)

John Bell, Acting Sec. to Govt.

By Order of the Council,

(Signed)

Thomas Miller, Acting Clerk of the Council.

No. 50.—Signed, Rich. Bourke.

Ordinance for improving the Condition of Hottentots and other free Persons of colour at the Cape of Good Hope, and for consolidating and amending the Laws affecting those Persons. (1)

WHEREAS certain Laws relating to and affecting the Hottentots and other free Persons of colour, lawfully residing in this Colony, require to be consolidated, amended, or repealed, and certain obnoxious usages and customs, which are injurious to those Persons, require to be declared illegal and discontinued: Be it therefore enacted, by His Honor the Lieutenant-Governor in Council, That from and after the passing of this Ordinance, the Proclamations of the 16th day of July, 1787, 9th day of May, 1803,—1st day of November 1809,—23d day of April, 1812,—9th day of July, 1819,—and 23d day of May, 1823, shall be, and the same are hereby, repealed: Provided always, that nothing herein contained shall extend to affect or annul any Contracts or Indentures entered into prior to the passing of this Ordinance, by virtue of the Proclamations aforesaid, nor to release the Master or Employer of any contracted Servant or Apprentice from any of the Provisions of those Proclamations relating to the Treatment, Payment, Food, Clothing, and Instruction of the said Servants and Apprentices, nor from any Fines and Penalties which may be imposed on any such Master or Employer for the breach thereof.

2. And whereas by usage and custom of this Colony, Hottentots and other free Persons of colour have been subjected to certain restraints as to their residence, mode of life, and employment, and to certain compulsory services to which others of His Majesty's Subjects are not liable: Be it therefore enacted, that from and after the passing of this Ordinance, no Hottentot or other free Person of colour, lawfully residing in this Colony, shall be subject to any compulsory service to which other of His Majesty's Subjects therein are not liable, nor to any hindrance, molestation, fine, imprisonment, or punishment of any kind whatsoever, under the pretence that such Person has been guilty of vagrancy or any other offence, unless after trial in due course of Law;—any custom or usage to the contrary in any wise notwithstanding.

3. And whereas doubts have arisen as to the competency of Hottentots and other free Persons of colour to purchase or

(1) Allowed by order of the King in Council, 15th January 1829, *infra*.

No. 50. possess Land in this Colony : Be it therefore enacted and declared, 1828. That all Grants, Purchases, and Transfers of Land or other Property whatsoever, heretofore made to, or by any Hottentot or other free Person of colour, are, and shall be, and the same are hereby declared to be, of full force and effect, and that it is, and shall, and may be, lawful for any Hottentot or other free Person of colour, born, or having obtained Deeds of Burghership, in this Colony, to obtain and possess by Grant, Purchase, or other lawful means, any Land or Property therein,—any Law, custom, or usage to the contrary notwithstanding.

4. And whereas it is expedient to protect ignorant and unwary Hottentots and other free Persons of colour as aforesaid from the effects of improvident Contracts for Service: Be it therefore enacted, that it shall not be lawful for any Person within this Colony, to hire or engage by any parole or written Agreement, (except as hereinafter provided,) any Hottentot or other free Person of colour as aforesaid, for any period exceeding one Calendar month, such Engagement being renewable from month to month, or for any shorter period, at the option of the contracting Parties; and any parole or written Engagement for any longer period, (except as hereinafter provided,) shall be, and be continued to be, of the same force and effect, as if the same had been entered into for one month only.

5. And be it further enacted, That in case any Person within this Colony, and any Hottentot or other free Person of colour, as aforesaid, shall be mutually desirous of entering into a written Contract for a longer period than one month, that then and in such case the parties shall appear together before the Superintendent of Police, or any Clerk of the Peace, or any Justice of the Peace, not being a Resident Magistrate, or before any Person specially appointed by the Clerk of the Peace of his District, with the approbation of the Governor for the time being, to countersign Contracts of Service, and shall, in the presence of the Superintendent of Police, Clerk of the Peace, or Justice of the Peace, or in presence of such other Person specially appointed as aforesaid, enter into any Contract for Service, on such terms as the respective Parties shall be willing to subscribe to: Provided always that the period of such Contract shall not exceed twelve Calendar months; and that in all such Contracts, wherein it shall not be expressly provided that the Person with whom any Hottentot or free Person of colour enters into Contract, is not to supply Food and Lodging, such Person shall be understood to have engaged to provide the Hottentot or other free Person of colour as aforesaid, and such of his or her Family as shall be included in the Contract in manner hereinafter mentioned, with Lodging and sufficient Food of good and wholesome quality, during the continuance of such Contract. And

be it further enacted, that no Liquor or Tobacco shall be admitted as payment of Money due for Wages, or in any manner be charged in account against any such Hottentot or free Person of colour; and that the Goods or Cattle belonging to any such Person, shall not, under any pretence whatsoever, be detained at the expiration of any such Contract, unless by Sentence of a competent Court, or due legal Process: and provided further, that nothing herein contained shall prevent the renewal of any such Contract at the expiration thereof, in the manner and subject to the conditions and provisos hereinbefore enacted. No. 50.
1828.

6. And be it further enacted, That every such Contract shall be made and executed in three parts, countersigned by the Superintendant of Police, Clerk of the Peace, Justice of the Peace, or other Person specially appointed as aforesaid, as the case may be, one of which parts shall be given to each of the contracting Parties: and in all cases where such Contract shall be executed before the Superintendant of Police, or Clerk of the Peace as aforesaid, the third part thereof shall be filed and registered in his Office; and in all cases where the same shall be executed before any Justice of the Peace, or other Person specially appointed as aforesaid, an entry thereof shall be made in a Book to be kept by him for that purpose, and the third part of such Contract forwarded by him to the Clerk of the Peace of the District, to be filed and registered in his Office as aforesaid.

7. And be it further enacted, That in the case of any Complaint for non-payment of Wages due, and payable by virtue of any parole Contract for one month, or for any shorter period, being brought before any Resident Magistrate, Justice or Justices of the Peace, or other competent Court, by any Hottentot or other free Person of colour as aforesaid, and that the Rate of Wages at which such parole Contract was made shall not be proved to the satisfaction of the Court, it shall and may be lawful for the Judge or Magistrate before whom the cause is heard, and he is hereby required, to fix the Rate of Wages at that usually paid in the District or Place in which the said Contract was made, and to give a Decree accordingly; and if any plea of payment of the whole or part of the Wages claimed by any Hottentot or other free Person of colour as aforesaid, shall be set up by the Person with whom such Hottentot or other free Person of colour served, whether such payment shall be alleged to have been in Money, or in Cattle, Food, or Clothing, such payment shall not be allowed in account, unless proved to have been made by the Oath of a competent Witness, not being the Defendant in such cause; and when such payment has been made in kind, the Prices charged for the several Articles shall in like manner be proved to be fair and reasonable.

8. And be it further enacted, That all Contracts of Hiring,

No. 50. affecting to bind the Wife or reputed Wife of any contracting
 1828. Hottentot or free Person of Colour as aforesaid, shall be executed by her; and that it shall and may be lawful for the Parent or Parents, of any Child or Children under the age of eighteen years, to contract as aforesaid, for the service of such Child or Children, together with their own; and the names and ages of such Child or Children shall be clearly set forth and specified in the Contract: Provided always, that nothing therein contained shall give to the Employer of such Parents any claim on the services of the said Children beyond the period for which the Parents themselves shall be engaged, nor to the services of any other Child or Children of the contracting Parent or Parents whether under colour of such last mentioned Child or Children having been fed or clothed by their Employer, or having been born whilst the Parent or Parents of such Child or Children were in the said Employer's service, or under any other pretence whatsoever; and any Person who shall be duly convicted of detaining any Child in his or her service, contrary to the Provisions of this Ordinance, or in any manner of withholding or causing to be withheld, any Child from his or her Parents or reputed Parents, shall forfeit and pay at the rate of Twenty Shillings for each Calendar month, that each and every such Child shall have been thus unlawfully detained. And be it further enacted, that every such Child shall, upon conviction of the detaining Party, be forthwith removed from his or her custody, and restored to his or her Parent or Parents, when the same can be found, or otherwise apprenticed by the Superintendent of Police or Clerk of the Peace of the District, to some respectable Inhabitant, until the age of eighteen, if a Male, and sixteen years, if a Female, or until claimed by his or her Parents.

9. And be it further enacted, That on the Death of any Hottentot or other free Person of colour, being with his Wife or reputed Wife and Children, under Contract as aforesaid, the Contract shall become null and void, in respect to such Wife and Children, at the expiration of one month after the Death of such Hottentot or other free Person of colour.

10. And be it further enacted, That it shall and may be lawful for any Hottentot or any other free Person of colour, entering into any parole or written Contract of Service as aforesaid, to keep his or her Children on the Premises of his or her Employer, without contracting them: Provided that in every written Contract the number and names of such Children shall be set forth; and it shall not be lawful for the Employer to claim the labour or service of such uncontracted Children, by reason of their residence thereon.

11. And be it further enacted, That it shall and may be competent to any Hottentot or other free Person of colour as

aforesaid, being of the full age of eighteen years, to enter into any Contract for Service in manner hereinbefore directed.

12. And be it further enacted, That it shall and may be lawful for any Hottentot or other free Person of colour as aforesaid, to apprentice out any of his or her Children for the term of seven years, or for any shorter period, or until such Child shall have reached the age of eighteen, if a Male, and of sixteen years, if a Female, whichever shall soonest happen : Provided always, that all Indentures of such Apprenticeship, shall be executed in the manner hereinbefore directed for yearly Contracts of Service, and shall duly provide for the maintenance, clothing, and instruction of every such Apprentice.

13. And be it further enacted, That if any Hottentot or other free Person of colour, contracted by any parole or written Engagement as aforesaid, shall abandon or desert, or by death shall leave in a state of orphancy and destitution upon the Premises of his or her Employer, any Child or Children being, if Males, below the age of eighteen, and if Females, below the age of sixteen years, that then and in such case, the Person or Persons with whom such Child or Children shall be left, shall with all convenient speed deliver the same to the Superintendent of Police, Clerk of the Peace, or nearest Field-Cornet in the District, in order that measures may be taken for providing for the maintenance and education of such Child or Children, by apprenticeship in manner hereinafter mentioned. And if any Person shall be duly convicted of detaining in his or her possession or employment, any such destitute Child as aforesaid, for a longer period than one Calendar month, every such Person shall forfeit and pay at the rate of Twenty Shillings for each Calendar month, that each and every such Child shall have been in his or her possession or employment.

14. And be it further enacted, That whenever any orphan or destitute Child as aforesaid, shall be given up to the care of the Superintendent of Police, in manner hereinbefore mentioned, such Child shall be placed by the Superintendent of Police in the Town Somerset Hospital, or other convenient place, and shall, when a suitable opportunity is found, be apprenticed out to some fit and proper Person, if a Male, until his eighteenth, and if a Female, until her sixteenth year ; and any orphan or destitute Child as aforesaid, who shall be given up to any Field-Cornet, in manner hereinbefore mentioned, shall be removed with all convenient speed to the District Town, and delivered over to the Clerk of the Peace, who shall place such Child in some fit place of safety, and subsequently apprentice such Child in manner hereinbefore mentioned : Provided always, that the said Superintendent of Police and Clerk of the Peace shall give the preference to the nearest Relatives of such Children, in all cases where any such Relatives shall be found inclined and competent to take the said Children as Apprentices.

No. 50. 15. And whereas divers Hottentots, Prize Negroes, and
 1828. Negresses, and other Free Persons of colour, have at different times been contracted for service and apprenticed in this Colony, under the authority of certain Orders and Proclamations in that behalf; and whereas it is expedient, that the Children of such Persons should not be bound thereby: Be it therefore enacted, that from and after the passing of this Ordinance, it shall not be lawful for the Master or Employer of any such Hottentot, Prize Negro or Negress, or other free Person of colour, to detain in his or her service the uncontracted or unindentured Child or Children of any such Person, unless the Child or Children being, if Males, below the age of eighteen, if Females, below the age of sixteen years, the Parent or Parents shall consent thereto; and it shall not be lawful for any Master or Employer as aforesaid, to remove any such Child or Children from the Parent or Parents, unless by consent as aforesaid.

16. And whereas the Children of Hottentots and other free Persons of colour have been apprenticed until the age of eighteen years, or for other term, under the authority of the Proclamations of the 23d day of April 1812,—the 9th day of July 1819, and other Proclamations made in that behalf, and the Children of Prize Negresses have been apprenticed by virtue of the Proclamation of the 23d day of May 1823; and whereas many of the said Apprentices have Parents or near Relatives capable of bringing them up honestly and decently, and affording them instruction: Be it therefore enacted, that whenever any Apprentice as aforesaid, shall be removed from his or her Master, by Sentence of any competent Court or Magistrate, on account of ill treatment or other sufficient cause, or by any other lawful means, such Apprentice shall not be transferred to a new Master, but shall be restored to his or her Parents or Relatives, if any such there be, who shall be found willing to take charge of his or her maintenance and education; and if the Parents or Relatives of any such Apprentice shall not be found, or shall not be able or willing to undertake such charge, then the Apprentice shall be transferred to a new Master, for the unexpired term of the Indenture, or, if a Male, until the age of eighteen, and if a Female, until the age of sixteen years, whichever shall soonest happen.

17. And whereas it is expedient to apply the Remedies and Provisions hereinafter contained, as well to the case of Hottentots and free Persons of colour, lawfully residing in this Colony as aforesaid, as to the case of Foreigners admitted therein, under and by virtue of an Ordinance, No. 49, bearing date the 14th day of July 1828, “ For the Admission into this Colony, “ under certain Restrictions, of Persons belonging to the Tribes “ beyond the Frontier thereof, and for regulating the Manner

“of their employment, as free Labourers, in the Service of the No.50.
 “Colonists,” be it further enacted, that every Person, retaining 1828.
 in his or her employment any Hottentot or other free Person of
 colour, shall give notice to the nearest Field-Cornet, or, if in
 Cape Town or the District thereof, to the Superintendant of
 Police, of the Death of any of the said Persons, or of the Death
 of any of the Children or Relatives of the said Persons residing
 on his or her Premises, setting forth their several names and
 ages; and shall in like manner give notice of any Births that
 shall take place in the Families of the said Persons, setting forth
 whether the Child be male or female, the Mother's name, and
 the name by which such Child is intended to be called; and
 any Employer who shall neglect to give notice of any Birth or
 Death occurring in his or her service, or on his or her Premises
 as aforesaid, shall forfeit and pay the Sum of Ten Shillings
 Sterling, for every Birth or Death neglected to be so reported.

18. And be it further enacted, That every Field-Cornet of
 every Division shall make a Half-yearly Return, to the Civil
 Commissioner of the District, of the Births and Deaths of all
 Hottentots and other free Persons of colour within his Division.

19. And be it further enacted, That from and after the pass-
 ing of this Ordinance, all Disputes or Complaints between Mas-
 ters and Mistresses and their Servants, being Hottentots or free
 Persons of colour, hired or contracted under the Provisions of
 this Ordinance, or under the Provisions of the said recited Or-
 dinance, No. 49, dated the 14th day of July 1828, shall and
 may be heard and determined by the Resident Magistrate of the
 District or Place where such Master or Mistress shall inhabit;
 and shall and may be heard and determined by one or more
 Justice or Justices of the Peace of such District or Place: Pro-
 vided always, that no Justice of the Peace shall have jurisdiction
 in any case of complaint for non-payment of Wages, when the
 matter in dispute shall exceed the Sum of Twenty Shillings
 Sterling.

20. And be it further enacted, That where such Dispute or
 Complaint shall be brought before any such Justice or Justices
 of the Peace, by any such Servant, the said Justice or Justices
 shall and may summon the Master or Mistress complained of,
 to appear personally before him or them, at a reasonable time
 set forth in such Summons; and such Justice or Justices shall
 and may inquire into and hear and determine the matter of such
 Dispute or Complaint, whether the said Master or Mistress
 shall appear before the said Justice or Justices or not, proof
 having been made on Oath of his or her having been duly
 summoned; and the said Justice or Justices shall and may
 examine, on Oath, any such Master or Mistress, or Servant,
 or any other Witness or Witnesses, touching, any Dispute or

No. 50. Complaint brought before him or them as aforesaid, and shall 1828. make such order therein as the case shall require.

21. And be it further enacted, That, if upon the Complaint of any Master or Mistress, touching any misdemeanor or ill behaviour of any such Servant, in his or her service or employment, the said Resident Magistrate or Justice or Justices of the Peace shall adjudge the same to be true, then it shall and may be lawful for the said Resident Magistrate or Justice or Justices of the Peace, to punish the said Offender by commitment to any Gaol or House of Correction in his District, to be held to hard labour, for any time not exceeding one Calendar month, or otherwise by abating some part of the Wages of such Offender, not exceeding one month's Wages for any one offence, or by discharging him or her from the said service, with the consent of the said Master or Mistress, as the said Resident Magistrate, Justice or Justices shall see fit.

22. And be it further enacted, That, if upon the Complaint of any such Servant against his or her Master or Mistress, touching any ill usage, refusal of necessary Provisions, (where the same are agreed to be supplied,) or other ill treatment, the said Resident Magistrate, or Justice or Justices of the Peace shall adjudge the same to be true, then it shall and may be lawful for the said Resident Magistrate, or Justice or Justices of the Peace, to discharge such Servant from his or her service or employment, (which discharge shall be given under the Hand of such Resident Magistrate, Justice or Justices, without charge,) and further shall and may order all Wages then due to such Servant, to be paid by the said Master or Mistress; Provided always, that nothing herein contained shall extend to deprive such Servant of any remedy, by Action in any competent Court, for the recovery of damages for any injury such Servant may have sustained by the ill treatment of his or her Master or Mistress.

23. And be it further enacted, That, when the Order of the said Justice or Justices shall be for the payment, by any Master or Mistress, of any Sum of Money to such Servant, and that the same shall not be paid within the space of twenty-one days next after the date of such Order, it shall and may be lawful for the said Justice or Justices, to issue forth his or their Warrant, to levy the same by Distress and Sale of his or her Goods and Effects; and the said Warrant shall and may be directed to any Constable or Officer of Police within the District of the said Justice or Justices; and the said Constable or Officer of Police is hereby empowered and required, upon sight thereof, to execute the same; and it shall and may be lawful for the said Constable or Officer, to sell by way of Auction, without taking out any Licence for that purpose, all such Goods as shall be

taken by virtue of any such Warrant, and to be sold in execution thereof; any Law or Ordinance to the contrary hereof notwithstanding; and the said Constable or Officer shall render the overplus, if any, after payment of the said Sum of Money and the Cost and Charges of such Distress and Sale, to the said Master or Mistress. No. 50. 1828.

24. And be it further enacted, That where it shall be made to appear to the satisfaction of such Resident Magistrate, or Justice or Justices of the Peace, that any such Servant, lodging or making any Complaint as aforesaid, is poor and unable to pay the Costs of any Summons or Process, or the execution thereof, then the said Resident Magistrate, or Justice or Justices shall cause the said Summons or Process to be issued and executed free of all Charge and Expense whatsoever; and if upon the investigation of the said Complaint, the said Resident Magistrate, or Justice or Justices, shall find and adjudge the same to be vexatious and untrue, then it shall and may be lawful for the said Resident Magistrate or Justice or Justices, if he or they think fit, by Warrant under his or their Hand, to commit the said Complainant to Gaol, with hard labour, for any time not exceeding fourteen days.

25. And be it further enacted, That all Fines, levied for any breach of the Provisions of this Ordinance, shall be given, one half to the Informer, and one half to the Colonial Treasury.

God save the King !

Given at the Cape of Good Hope, 17th July 1828.

By Command of His Honor the Lieutenant-Governor,

(Signed)

John Bell, Acting Sec. to Govt.

By Order of the Council,

(Signed)

Thomas Miller, Acting Clerk of the Council.

At the Court at Windsor, 15th January 1829, present the KING's most Excellent Majesty in Council.

WHEREAS there was this Day laid before His Majesty, in His Privy Council, a certain Ordinance of the Lieutenant-Governor of the Colony of the Cape of Good Hope, made with the advice of the Council of Government of that Colony, which Ordinance is in the following words, that is to say, &c. &c. :—

His Majesty is graciously pleased, by and with the advice and consent of His Privy Council, to order, and it is hereby ordered, that the said Ordinance shall be, and the same is hereby, ratified, confirmed, and allowed, and finally enacted; and for the pre-

vention of any doubt which might arise upon the construction of the said Ordinance, His Majesty is further pleased with the advice aforesaid, to declare, and it is hereby ordered and declared, that all Hottentots and other free Persons of colour lawfully residing within the said Colony are, and shall be in the most full and ample manner entitled to all and every the rights, privileges, and benefits of the Law, to which any other His Majesty's subjects, lawfully residing within the said Colony, are or can be entitled; Provided always, that nothing herein-contained shall be construed to abrogate or annul the Provisions made by the said Ordinance for the good Government of such Hottentots, or such free Persons of Colour or any of those Provisions.

And it is hereby further ordered, that it shall not be lawful for any Person within the said Colony, to whom any Hottentot, or free Person of colour, hath been apprenticed, or to whom any such Hottentot or free Person of colour hath entered into any Contract of Service, to detain or take in Execution the Person of any such Hottentot, or of any such free Person of colour, for or by reason of any Debt, due and owing, or alleged to be due and owing to any such Master or Employer, by any such Hottentot or free Person of colour.

And it is hereby further ordered, That this present Order, and the Ordinance hereby confirmed, shall not in any wise be altered, repealed, or amended by any Law or Ordinance to be hereafter made by the Governor, or the Officer administering the Government of the said Colony, with the advice of the Legislative Council thereof, unless such Ordinance shall have been first and expressly ratified, confirmed, and allowed by His Majesty, with the advice of His Privy Council, and that every such Ordinance or pretended Ordinance, until so ratified, confirmed, and allowed, shall be void and of no effect, and shall not be enforced or carried into execution by any of His Majesty's Courts, Judges, Justices, Officers, and others within the said Colony.

And the Right Honorable Sir George Murray, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. Greville.

END OF VOL. I.

NOTE.—It was originally intended that this Book should have appeared in one volume; but its unexpected bulk has rendered two volumes unavoidable. The second volume, which will contain the Index, will be published as speedily as possible.

UNIVERSITY OF CALIFORNIA LIBRARY

Los Angeles

This book is DUE on the last date stamped below.

Form L9-Series 4939

UC SOUTHERN REGIONAL LIBRARY FACILITY



A 000 316 348 2

